

WPO/27/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

AJAY KUMAR SINGH
VERSUS
THE STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE LAPITA BANERJI

Date: 24th March, 2023.

Appearance:
Mr. Debdutta Basu, Adv.
For the petitioner.

Mr. Niladri Bhattacharjee, Adv.
Ms. Deblina Chattaraj, Adv.
Ms. Angana Dutta, Adv.
Ms. Sristi Paul, Adv.
For WBTC Ltd.

Mr. Tapan Kumar Mukherjee, Adv.
Ms. Tuli Sinha, Adv.
For the State Respondents.

The Court :- The petitioner was appointed as a permanent employee of West Bengal Transport Corporation Ltd. (WBTC) sometime in or about 1985. The grievance of the petitioner is that the date of birth of the petitioner has been wrongly recorded as September 8, 1965 in the appointment letter. It is the petitioner's claim that his date of birth is January 2, 1967. The said date of birth is apparent from the certificate issued upon passing of Madhyamik examination or its equivalent. The said certificate has been issued to the petitioner on August 21, 1984 prior to his date of joining with WBTC.

Mr. Basu, learned counsel appearing on behalf of the petitioner, submits that the date of birth of the petitioner will be apparent not only from

the said certificate but also from the Aadhaar Card and the PAN Card of the petitioner. Furthermore, the said date is also apparent from the identity card issued by the WBTCCL in favour of the petitioner.

Ms. Chattaraj, learned counsel appears on behalf of the WBTCCL and submits that the date of birth on the ID Card is disputed by the Corporation.

Mr. Basu submits that after the filing of the writ petition, a subsequent communication has been issued by the Law and Claims Officer of WBTCCL whereby it was recorded that since the date of birth of the petitioner appeared to be contradictory on different documents, the petitioner's matter has been referred to medical board dated February 23, 2023, for proper determination of his age through relevant medical test. He contends that such a procedure could not be followed by WBTCCL since on previous occasion the Managing Director of WBTCCL held that in cases where certificates issued by Board of Secondary Education of any state, have been accepted as proof for amending/correction of the age, but only in cases where such certificates are produced subsequent to entry into service the date of birth recorded in such certificates have not been accepted as proof thereof. He submits that a divergent course of action could not be followed by the Managing Director in assessing the age of the petitioner and other anybody.

Considering the rival contentions of the parties and the materials on record this Court finds that the subsequent order of the Law and Claims Officer dated March 1, 2003 and the recommendation of the OSD (Personnel) dated February 23, 2023 cannot be the subject matter of the present writ petition.

In such view of the matter, the present writ petition being **WPO No. 27 of 2023** is **disposed of** as **infructuous**.

The supplementary affidavit handed over in Court today by Mr. Basu is retained with the records.

The petitioner will be at liberty to proceed before the appropriate forum, if so advised.

Since no directions for filing affidavits have been invited in the present writ petition, all the allegations contained therein are deemed not to have been admitted by the parties.

All parties to act on a server copy of this order downloaded from the official website of this Court.

(LAPITA BANERJI, J.)