

19.08.2024
Item No.18
Ct. No.26
CHC
(dismissed)

MAT 246 of 2024
IA NO: CAN/1/2024
CAN/2/2024

**The West Bengal Renewable Energy
Development Agency & ors.**
Vs.
Sushanta Kumar Biswas & ors.

Mr. Debjit Mukherjee, Advocate
Ms. Susmita Chatterjee, Advocate
...for the appellants

Mr. Vivekananda Bose, Advocate
Mr. Ratikanta Pal, Advocate
...for the respondent no.1

In Re: CAN/1/2024

1. Department reports delay of 40 days in preferring the appeal.

2. For the ends of justice, the causes shown in the application for condonation of delay are accepted as sufficient. Delay of 40 days in filing the appeal is condoned.

3. CAN/1/2024 is disposed of accordingly.

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4. Appeal is directed against the order dated November 16, 2023 passed in WPA 18927 of 2023 by which, the request of the writ petitioner to correct the date of birth was allowed.

5. Learned advocate appearing for the appellants submits that, learned Single Judge erred in directing correction of the date of birth. He submits that, the

writ petitioner is governed by a circular issued by the State which allows correction of the date of birth within five years from the date of joining of the service.

6. In the present case, the writ petitioner/respondent no.1 sought correction of the date of birth nearer to his superannuation and at least beyond the period of five years from the date of his joining his services. Moreover, unimpeachable documentary evidence as to the date of birth was not produced. He draws attention of the Court to the various documents in the writ petition.

7. Private respondent is represented. .

8. Private respondent joined the service of the appellant at the time of his joining. He ascribed his date of birth to be January 2, 1964. Such date of birth was recorded in the service book. Subsequently, he applied for correction his date of birth to January 4, 1966. In support of the claim for correction, writ petitioner/private respondent relied upon pass certificate for the primary final examination 1975, a certificate issued by the school at which he underwent education as also another certificate from another educational institution dated February 22, 2017.

9. All the three documents on which, the writ petitioner/private respondent relied upon specified

that, his date of birth was January 4, 1966. Such documents are much prior in point of time than his joining his services. The error which was committed at the time of joining his services can be allowed to be corrected. Learned Single Judge noted reported decisions of the Supreme Court as also by the Division Bench of the High Court in granting such relief.

10. In such circumstances, we find no ground to interfere in the present appeal.

11. MAT 246 of 2024 along with connected applications are **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)