

ML 397
24.04.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 3366 of 2024

**Dayamoy Siuly
-versus
The State of West Bengal & Ors.**

**Mr. Tapas Kumar Majumdar,
Mr. Partha Pratim Bhattacharjee.
...For the Petitioner.**

**Mr. Goutam Lahiri.
...For the Municipality.**

**Mr. Indranil Roy,
Mr. Tapas Kumar Roy.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner was serving in the Serampore Municipality. His date of birth recorded in his school register was 6th February, 1964 relying upon which his service records were prepared by the employer.

The petitioner submits that his actual date of birth is 6th February, 1968 as has been recorded in the records maintained by the West Bengal Board of Secondary Education.

The petitioner has retired from service on 29th February, 2024 considering his date of birth as 6th February, 1964.

The petitioner prays for correction of the records maintained by his employer.

Fact remains that the petitioner was in service on and from 1989 till his date of retirement in February 2024. Never did the petitioner raise any issued with regard to the correction of his date of birth in his service records. Only on 22nd January, 2024 a representation was made for correction of date of birth.

It is settled law that the records of the employer relating to the date of birth cannot be altered at the fag end of the service career of an employee. Had the petitioner any genuine grievance, he ought to have drawn the attention of his employer during his service tenure and not immediately prior to the end his service career.

The Court is not satisfied with the submission made on behalf of the petitioner that he was not aware with regard to the wrong recording of his date of birth.

In view of the above, the writ petition fails and is hereby dismissed.

It will, however, be open for the Municipality to release the terminal benefits of the petitioner at the earliest by treating his date of birth as 6th February, 1964.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)