

W.P.A. 8431 of 2021

Md. Nasim
Vs.
The State of West Bengal & Ors.

Md. Salahuddin
Md. Ahsanuzzaman
Md. Raziuddin
...for the petitioner

Mr. Alak Kumar Ghosh
Mr. Arijit Dey
...for the KMC

Affidavit-of-service filed on behalf of the petitioner is taken on record.

The subject matter of challenge in this writ petition is denial by the Kolkata Municipal Corporation to grant compassionate appointment in favour of the petitioner who is a son of deceased employee of the corporation. After the death of the mother of the petitioner on 17th November, 2008 an application was made on 7th January, 2009 seeking appointment on compassionate ground. The said application stood rejected vide decision taken by the Special Regulation Committee in its 105th meeting dated 20th December, 2016. The ground for rejection of the application of the petitioner for appointment on compassionate ground is his submission of false claim regarding educational qualification made by submitting application on 7th January, 2009. While

scrutinizing the documents appended to the writ petition and the affidavits used by the respective parties it appears that one affidavit is annexed to the affidavit-in-opposition of the corporation being annexure R2 which was submitted along with the application seeking appointment on compassionate ground wherein it has been averred at page 15 of the said affidavit that the writ petitioner was born on 15th July, 1988 based on the date of birth as stated in the High School Examination pass certificate issued by the Board of High School and Intermediate Education, U.P.

It is being submitted during course of hearing that in terms of the transfer certificate issued on 30th July, 2010 the date of birth of the petitioner is 16th January, 1976 and according to the petitioner that is the correct date of birth.

If Court proceeds on the premise that 16th January, 1976 is the correct date of birth of the petitioner in terms of the transfer certificate dated 30th July, 2010 then it transpires that at the time of submitting application before the concerned authority of the corporation a different date of birth of the petitioner was indicated in the documents enclosed to such application.

In view of the discrepancies with regard to date of birth which was indicated while making application seeking appointment on compassionate ground it is

found that the petitioner did not approach the corporation with clean hands in pursuit of getting appointment on compassionate ground.

Accordingly, the writ petition stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)