

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

Before:

THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

W.P.A. 9944 OF 2025

Monika Samanta

VS.

State of West Bengal & Ors.

For the Petitioner	:	Mr. Sabyasachi Chatterjee Mr. Omar Faruk Gazi Ms. Bidisha Das Ms. Susmita Das Ms. Shaoni Panda
For the State	:	Mr. Malay Singh Ms. Neelam Singh

Heard on: 10.11.2025

Judgment on: 10.11.2025

SAUGATA BHATTACHARYYA, J:

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner prays for change of date of birth which would permit her to get renewal of service contract. Petitioner was initially engaged

on contractual basis in Gazipur Primary Health Centre, Howrah and at the time of initial engagement in May, 2013 in support of age proof petitioner submitted Admit Card and Certificate in connection with her participation in Madhyamik Pariksha (Secondary Examination). In both the aforesaid documents, i.e. Admit Card and Certificate of Secondary Examination petitioner's date of birth is indicated as 19th January, 1965.

3. However, petitioner's service contract was not renewed vide order dated 15th January, 2025 issued by the Chief Medical Officer of Health and Member Secretary, DH and FWS, Howrah taking note of the fact that petitioner would attain sixty years of age on 19th January, 2025 considering her date of birth is 19th January, 1965. Petitioner on receipt of order dated 15th January, 2025 affirmed an affidavit on 27th January, 2025 stating her date of birth as 6th May, 1970 not 19th January, 1965. Prayer is made for passing necessary order by the concerned State authority renewing service contract of the petitioner which would permit her to work for a further period of five years.

4. Prayer of the petitioner is opposed by learned advocate representing State respondents on the strength of Admit Card and Certificate of Secondary Examination indicating date of birth of the petitioner as 19th January, 1965.

5. Having considered the submissions made on behalf of the parties, it appears that petitioner was initially engaged on contractual basis in May, 2013 and it was the petitioner who submitted Admit Card and Certificate of Secondary Examination in support of her age proof. In both these documents date of birth of the petitioner was mentioned as 19th January, 1965. Based on these documents concerned respondent authorities maintained service record of the petitioner. On periodical renewal of service contract, petitioner worked from May, 2013 to January, 2025 without raising any demur relating to her date of birth. After issuance of order dated 15th January, 2025 deciding date of retirement of the petitioner is 31st January, 2025 since petitioner would reach age of sixty years on 19th January, 2025, petitioner affirmed an affidavit on 27th January, 2025 declaring her date of birth is 6th May, 1970 not 19th January, 1965, which appears to be after-thought. Had it been a *bona fide* case of wrong recording of date of birth in the service record of the petitioner she could approach the concerned State authority for correction of date of birth just after being engaged on contractual basis initially in the month of May, 2013.

6. In this regard, reliance is placed on the judgments of the Hon'ble Supreme Court reported in **1994 Supp. (1) SCC 155 [Home Department Vs. R. Kirubakaran]** and **(2011) 9 SCC 664 [State of MP Vs. Premlal Shrivastava]**.

7. In the aforesaid conspectus, no relief can be granted to the petitioner.
8. Writ petition stands dismissed.
9. There shall be, however, no order as to costs.
10. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(SAUGATA BHATTACHARYYA, J.)