

Form No. J(2)

Item No. 23
PM

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Aniruddha Roy

WPA 13630 of 2025

Samsul Sekh
Vs.
Union of India & Ors.

For the Petitioner : Mr. Rahul Deb Goenka

For the Union of India : Mr. Dibashis Basu

For respondent No. 2 – 4 : Mr. S. M. Obaidullah,
Mr. Nikhil Kumar Roy

Heard on : 02.07.2025

Judgment on : 02.07.2025

Aniruddha Roy, J. :

1. The writ petitioner is an employee of the relevant Coal Company who shall retire on **September 30, 2025**. On or about **June 19, 2025** the petitioner filed the instant

writ petition seeking **correction of Date of Birth** in the service book.

2. The petitioner had joined the Coal Company in the year **December 14, 1990** by virtue of **Compassionate Appointment**.
3. Learned counsel for the petitioner submits that at the time of receiving appointment the petitioner submitted all the relevant records wherefrom it would be evident that his date of birth is **September 26, 1965** and accordingly in the service book it was recorded as such. The documents appended to the instant writ petition being Aadhaar card at page 24 to the writ petition, the certificate for qualification of Madhyamik Pariksha issued by West Bengal Board of Secondary Education at page 23 to the writ petition, the Pan Card at page 22 to the writ petition, identity card issued by the relevant Coal Company being his employer at page 21 to the writ petition and Voter Identity card at page 25 to the writ petition speak in the same tune that the date of birth of the petitioner is **September 26, 1965** as recorded in the service book.
4. The record of this proceeding does not show that any

attempt has been made by the petitioner for correction of all the above referred documents before the respective authorities. But only at the verge of retirement the petitioner applied for correction of date of birth before the employer so that his service tenure can be elongated further by three years.

5. Learned counsel appearing for the employer Coal Company has relied upon the relevant Rule of the Coal Company prevailing on the issue which provides for review the determination of date of birth in respect of existing employee. Amongst other the said certificate qualifying the Madyamik examination at page 23 to the writ petition is an important document to be considered which already shows that the date of birth of the petitioner is September 26, 1965, as recorded in the service book. The Rule provides that wherever there is no variation in records such case will not be reopened unless there is a very glaring and apparent wrong entry in the service record of the petitioner.
6. Accordingly, learned counsel for the Coal Company submits, that this writ petition is frivolous writ petition at the fag-end of the employment career of the petitioner

and the same should be dismissed with exemplary cost.

7. After considering the rival contentions of the parties and upon perusal of the materials-on-record, it appears to this Court that, all the relevant evidence regarding the proof of date of birth have already been discussed above and appended to the writ petition showing the only date being **September 26, 1965**, as the date of birth of the petitioner. The entry in the service book is also same.
8. The contention of the petitioner that recently the petitioner has discovered that a piece of service records of the deceased father of the petitioner wherefrom it would appear that Samsul Sekh being the petitioner herein was declared to be nineteen years old as on **April 1, 1987** by the deceased father at pages 26 and 27 to the writ petition.
9. The probative value and authenticity of the declaration of the said document is not convincing to this Court comparing with the documents already discussed above, which are appended to the writ petition showing the date of birth of the petitioner in the same tune.
10. Inasmuch as, the law is well settled that at the fag-end of the employment tenure, as the instant case, the claim

of an employee who is going to retire within three months from the date of filing of this writ petition seeking correction of date of birth should not be entertained.

11. In view of the foregoing reasons and discussions this writ petition, according to this court, is totally frivolous, vexatious, harrasive and devoid of any merit and is not maintainable.
12. Accordingly this writ petition being **WPA 13630 of 2025** stands dismissed, without any order as to costs.
13. Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities.

(Aniruddha Roy, J.)