

06.03.2026
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MAT 403 of 2026
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IA No.: CAN 1 of 2026
Apurba Kumar Rahut
- *Versus* -
The State of West Bengal & Others

Mr. Sounak Bhattacharya,
Mr. Samaresh Chandra Dhara,
Mr. Sabyasachi Hazra
... for the Appellant.
Mr. Swapan Kumar Datta,
Mr. Rajat Dutta
... for the State/Respondents.
Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta,
Mr. Manas Bhattacharyya
... for the WBBSE.

Affidavit-of-service, as filed, be kept on record.

The present appeal has been preferred challenging an order dated 23rd February, 2026 passed by the learned single Judge in a writ petition, being WPA 3295 of 2026 which was preferred praying for issuance of necessary direction upon the respondents to incorporate the actual date of birth of the petitioner, i.e., 21st February, 1970 in the records of the West Bengal Board of Secondary Education (in short, the Board) in place and stead of 22nd February, 1966.

Mr. Bhattacharya, learned advocate appearing for the appellant/writ petitioner, namely, Apurba Kumar Rahut (in short, Apurba) submits that the writ petition was dismissed by the learned single Judge without even

calling for affidavits from the parties and without appreciating the fact that the time period fixed in the Finance Department circular, dated 24th January, 2012 is neither rigid nor inflexible.

He further argues that the learned single Judge also did not take into consideration the fact that initial application for rectification of date of birth was submitted on behalf of Apurba by his father way back on 29th November, 1983. The delay in disposal of such representation is attributable to the respondents and for such laches on their part Apurba cannot be made to suffer. Balancing the equities, the learned single Judge ought to have exercised discretion in favour of Apurba.

Mr. Datta, learned Government Pleader appearing for the State/respondents denies and disputes the contention of Apurba and submits that no contemporaneous application was submitted by Apurba for rectification of his date of birth. Apurba submitted a representation more than 38 years after he passed the Madhyamik examination and only a few years prior to his retirement scheduled on 28th February, 2026.

Ms. Bhattacharyya, learned advocate appearing for the Board submits that there is no infirmity in the order impugned. The learned single Judge refused to exercise discretion in favour of Apurba upon giving detailed

reasons. Inordinate delay is a sufficient ground for refusal to exercise discretionary jurisdiction.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

The following facts are not in dispute. Apurba appeared in the Madhyamik Pariksha of 1984 and in the certificate, issued by the Board, his date of birth has been recorded as 22nd February, 1966. More than three decades thereafter Apurba submitted a representation for rectification of his date of birth from 22nd February, 1966 to 21st February, 1970. As the said representation was not considered, Apurba earlier preferred a writ petition and on complying with the directions passed in the said writ petition, Apurba's claim was considered and rejected by an order dated 5th January, 2026, issued by the President, Ad hoc Committee of the said Board. Subsequent thereto, Apurba retired on 28th February, 2026.

The argument of Apurba that initial representation submitted by Apurba's father in the year 1983 ought to have been considered was discounted by the learned single Judge observing *inter alia* that no contemporaneous steps for such non consideration was taken on behalf of Apurba. The learned single Judge also observed that by simple mathematical calculation, if the

date of birth claimed to be proper by Apurba, i.e., February 21, 1970 is taken to be correct then the fact remains that Apurba appeared in the Madhyamik examination of 1984 at the age of 14 years. Apurba submitted a representation for rectification of his date of birth only a few years prior to his retirement without any explanation whatsoever as regards such delay.

The learned single Judge dealt with the factual issues and arrived at specific findings and we do not find any error in the same, warranting interference in appeal.

Accordingly, the appeal and the connected application are dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Md. Shabar Rashidi, J.) (Tapabrata Chakraborty, J.)