

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 1761 of 2022

Nilamani Sethi

....

Appellant

Mr.S.S.Das, Senior Advocate

-versus-

State of Odisha & others

....

Respondents

Mr.Manoj Kumar Khuntia, AGA for State

CORAM:

THE CHIEF JUSTICE

JUSTICE G. SATAPATHY

ORDER

12.05.2023

Order No.

01. 1. Mr. Das, learned Senior counsel for the Appellant relies on the judgment in ***State of M.P. v. Premal Shrivastava AIR 2011 SC 3418*** where in para 10 a passage has been quoted from ***Secretary in Commissioner of Home Department v. R. Kirubakaran 1994 Supp (1) SCC 155*** to the effect that interference on the issue of date of birth would be justified on the basis of “materials which can be held to be conclusive in nature.” It is argued that from the records of the Respondents themselves, it can be established in the present case that the appellant’s date of birth was 5th December, 1966 and therefore, the learned Single Judge ought not to have relegated the Appellant to the remedy before a Civil Court.
2. Issue notice. Mr. Manoj Kumar Khuntia, learned Additional Government Advocate for the State accepts notice for Respondent 1. A copy of the writ appeal is served on him in Court today.

Notice be issued to the remaining Respondents 2 and 3 by registered/speed post with A.D., making it returnable before the next date. Requisites be filed within three working days. Tracking report be placed on record.

3. List on 5th September, 2023.

(Dr. S. Muralidhar)
Chief Justice

(G. Satapathy)
Judge

Kishore

