

28.01.2025
(D/L 25)
Ct.-19
(Susanta)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

APPELLATE SIDE

W.P.A. 27178 of 2023

Ranjit Kumar Das

-Vs-

The State of West Bengal & Ors.

Mr. Shamim ul Bari,
Mr. K. M. Hossain,
Mr. Kazi Ardan Ali,
Ms. Asmita Mitra,

.... For the Petitioner.

Ms. Sonal Sinha.
Ms. Shabnam Farooqui,

.... For the State.

Mr. Avishek Prasad,

.... For the DPSC (Malda).

Mr. Kunal Ganguly,

.... For the W.B.B.S.E.

Mr. Kunal Ganguly, learned advocate for the Board, in compliance with the order dated January 21, 2025, files the second report, let it be kept with the record.

The petitioner is an Assistant Teacher at Elangi P. P. Junior Basic School under Kharba- II Circle of Malda District Primary School Council (**‘Council’** in short).

The petitioner was appointed in the year 2021, immediately thereafter he had applied before the West Bengal Board of Secondary Education for correction of the date of birth in his admit card and certificate of the Madhyamik Pariksha from February 01, 1965 to February 01, 1973. The Board had allowed the said prayer of the petitioner, accordingly the date of birth of the petitioner was corrected in those documents.

The petitioner is now praying consequential corrections of the date of birth in his service records.

Mr. Bari, learned advocate for the petitioner submits that on the basis of the correction, the Council had corrected the date of birth of the petitioner in his service book, as such, cannot deny to rectify the date of birth of the petitioner in the relevant portal.

Mr. Prasad, learned advocate for the Council submits that the Council was directed to file a report, such report

has been filed wherein it has been disclosed that the Council, by the order dated October 04, 2023 has refused to carry out correction of the date of birth of the petitioner in his service records and whatever corrections were made in respect of the date of birth of the petitioner prior to the said order, were again restored to their original position. He further submits that the Board, in correcting the date of birth of the petitioner, neither had followed its own Rules nor the judgments of this Court.

Mr. Ganguly, learned advocate for the Board submits that his client, in its two reports, has detailed the procedure adopted to rectify the date of birth of the petitioner.

Heard learned advocate for the parties, perused the materials-on-record.

The Council, in its report, has indicated that the proper procedure though has not been followed but the Council is not competent to question the authority of the Board to correct the date of birth of the petitioner.

The issue as to whether the correction of the date of birth of the petitioner in the said documents were made in accordance with the prescribed procedure, can only be decided after exchange of the affidavits by the parties, therefore, let affidavit-in-opposition be affirmed by the respondents within a period of **three weeks from date**; reply thereto, if any, be affirmed by the petitioner within a period of **one week** from the date of receipt of the copy of the said affidavit.

Matter be included in the list **six weeks** hence for final disposal.

The petitioner since is attaining the age of superannuation on January 31, 2025, he is permitted to continue his service **till January 30, 2026** or until further order(s), whichever is earlier.

It is needless to say that the petitioner, during this period, shall be entitled to all benefits of a regular teacher.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

(Biswajit Basu, J.)