

OD 8

WPO 1018 of 2023

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

AJAY KUMAR SINGH
VERSUS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE LAPITA BANERJI

Date : 4th August, 2023.

APPEARANCE:

Mr. Debduitta Basu,Adv.
...for the petitioner.

Mr. Niladri Bhattacharya,Adv.
Ms. Deblina Chattaraj,Adv.
Ms. Angana Dutta,Adv.
...for WBTC Ltd.

The Court: The petitioner filed a previous writ petition being WPO No. 27 of 2023. The said writ petition was disposed of as being infructuous since subsequent to the filing of the writ petition, a recommendation of the OSD (Personnel) dated February 23, 2023 was issued. The said recommendation of the OSD dated February 23, 2023 is impugned in the present writ petition.

It is the petitioner's case that his date of birth has wrongly been recorded as September 8, 1965 in his appointment letter. The petitioner's date of birth is January 2, 1967. The said date of birth is apparent from the school leaving certificate issued by the Bihar Vidyalaya Pariksha Samity. Mr. Basu, learned Counsel appearing on behalf of the petitioner submits that instead of relying

upon the office order dated June 6, 2023 issued by the General Manager, Calcutta Tramways Co. (1978) Ltd, now known as West Bengal Transport Corporation Ltd. (WBTCCL), the petitioner has been called for to appear before a medical board for assessment of age.

Ms. Chattaraj, learned Counsel appearing on behalf of WBTCCL submits that the petitioner was called for for a personal hearing. Since he chose not to appear in the said personal hearing, the petitioner was recommended to appear before a medical board for conducting a medical test upon him for assessment of his age. Mr. Mukherjee, learned Additional Government Pleader appears on behalf of the State respondents. His appearance to the brief is regularized since despite service no one represented the State respondents today.

Considering the submissions of the parties and the materials placed on record, this Court feels that justice will be subserved by directing the respondent, WBTCCL to give a personal hearing to the petitioner. The petitioner will be intimated at least one week before the personal hearing of the date of hearing. The documents that are required to be produced by the petitioner will be indicated by WBTCCL in the said notice. Furthermore, the respondent Corporation will keep in mind the memo dated June 6, 2023 while assessing the age of the petitioner in connection with the available documents.

The minutes of the personal hearing/order passed therein shall be brought on record by way of a Report- on Affidavit to be filed by the respondent Corporation by September 1, 2023. Exception, if any, by September 8, 2023.

Let the matter appear for further consideration under the same heading
“Court Application” on September 15, 2023.

All parties are to act on a server copy of this order.

(LAPITA BANERJI, J.)

s.chandra