

THE HIGH COURT OF MEGHALAYA AT SHILLONG.

WP(C) No. 256 of 2017

Sri. Rajeswar Medhi,
S/o (L) Rameswarr Medhi,
R/o Lower Mawprem, Shillong-2
P.O. Bara Bazar,
P.S. Lumdiengjri
Dist: East Khasi Hills, Meghalaya

... **Petitioner**

- Versus -

1. State of Meghalaya represented by
The Director,
The Department of Land Record &
Survey, Govt. of Meghalaya at Shillong.

2. The Additional Director,
The Directorate of Land Record & Survey
Govt. of Meghalaya at Shillong.

... **Respondents.**

BEFORE THE HON'BLE MR JUSTICE SR SEN

For the Petitioner : Mr. P.K. Borah, Adv.

For the Respondent s : Mr. H. Abraham, GA

Date of hearing : **29.01.2018**

Date of Judgment & Order : **29.01.2018**

JUDGMENT AND ORDER (ORAL)

Heard Mr. P.K. Borah, learned counsel appearing on behalf of the petitioner as well as Mr. H. Abraham, learned GA appearing on behalf of the State respondents.

2. The brief fact of the petitioner's case in a nutshell is that:

"The Petitioner had joined service as Compitor Grade II w.e.f. 10th October, 1980 and he is due to retire from the 28th February 2018. The Respondent wrongly calculated the date of birth as 1st February, 1960, instead of the correct 13th February 1960, from the Matriculation Admit Card of the petitioner and consequently issued the impugned order dated 31st January 2017, erroneously holding the date of retirement as 31st January 2018, instead of the correct 28th Feb 2018 and thereby caused infringement of the fundamental right of the petitioner granted under Articles 14 & 21 of this Constitution. Hence, this petition praying for adequate remedy".

3. The learned counsel for the petitioner contended that in the Admit Card the date of birth of the petitioner was not mentioned and as per his calculation, the petitioner should retire on 28th February, 2018 considering the S.R. 8 of Meghalaya Fundamental Rules and Subsidiary Rules, 1984 but the respondent asked the petitioner to retire on 31st January, 2018. Hence, this instant petition and prayed for necessary direction.

4. In reply to the submission advanced by the learned counsel for the petitioner, the learned State counsel brought to the notice of the Court the Annexure-I, wherein he submits that the age of the petitioner was already mentioned in the Annexure-I of the writ petition, which was annexed by the petitioner himself. Therefore, the question of extension of his service on the ground that the age is not mentioned in the Admit Card is not correct. So, the petition may be dismissed.

5. The learned counsel for the petitioner also failed to produce the birth certificate or any other certificate to support his submission.

6. After hearing the submissions advanced by the learned counsel for the parties and after perusal of the S.R. 8 of Meghalaya Fundamental Rules and Subsidiary Rules, 1984, I do not find any force in the submission advanced by the learned counsel for the petitioner, rather on the Annexure-I it is clear that on 1st March, 1978, the age of the petitioner was 18 years 01 month. Therefore, the submission advanced by the learned counsel for the petitioner that the date of birth is not mentioned cannot be entertained. Besides that, the petitioner's counsel also could not produce the birth certificate or any other certificate to substantiate or establish the matter. Hence, I do not find any merit in the case. Accordingly, the instant writ petition is dismissed and stands disposed of.

JUDGE

D. Nary