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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.6238 of 2014**

Kalawati Bai, W/o Late Chinta Ram, aged about 50 years, Occupation Service in S.E.C.L., R/o Bishrampur, P.S. Jainagar, District Surguja, Chhattisgarh

---- **Petitioner****versus**

1. Chief Managing Director, S.E.C.L. Seepat Road, Bilaspur, Chhattisgarh
2. Chief General Manager, S.E.C.L., Bishrampur, District Surguja, Chhattisgarh
3. Personal Officer, S.E.C.L., Bishrampur, District Surguja, Chhattisgarh
4. Sub Area Manager, S.E.C.L., Bishrampur, District Surguja, Chhattisgarh

---- **Respondents**

For Petitioner	:	Shri Shakti Raj Sinha, Advocate
For Respondents/SECL	:	Shri H.B. Agrawal, Senior Advocate with Shri Pankaj Agrawal, Advocate

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****31/8/2015**

1. Heard Learned Counsel for the Petitioner and Learned Senior Counsel appearing on behalf of the SECL.
2. The controversy with regard to the date of birth of the Petitioner travelled to this Court earlier in Writ Petition (S) No.4816 of 2009 (Kalawati Bai v. Chief Managing Director, SECL, Bilaspur and others). The Court, after hearing Learned Counsel for the parties, referred the matter to the Age Determination Committee under Implementation Instruction No.76 of the National Coal Wage Agreement. By order dated 10.1.2012, the Age Determination Committee arrived at the conclusion that her date of birth was 16.11.1951.
3. Learned Counsel for the Petitioner sought to persuade this Court to

examine the merits of the decision of the Age Determination Committee.

4. In exercise of powers for judicial review, this Court cannot sit as an appellate authority over the decision of the Age Determination Committee. The jurisdiction is confined to judicial review with regard to errors in the decision making process.

5. In (2000) 8 SCC 696 (G.M., Bharat Coking Coal Limited, West Bengal v. Shib Kumar Dushad and others), it was observed as follows:

“20. From the provisions in the instructions referred to above, it is clear that in case of dispute over the date of birth of an existing employee who has neither a Matriculation Certificate/Secondary School Certificate nor a statutory certificate in which the Manager has certified the entry regarding the date of birth to be authentic the employer is to refer the matter to the Medical Board. Therefore, no fault can be found with the action taken by the appellant to refer the case of the respondent to the Medical Board. The Medical Board as laid down in the instructions is to consider the matter on the evidence available with the colliery management and in accordance with the requirement of medical jurisprudence. As noted earlier, in the present case the Medical Board determined the age of the respondent to be 52 years in 1988 and the employer (appellant) accepted such determination. In the circumstances there was hardly any scope for the High Court to interfere with the date of birth as determined by the employer (appellant herein) and issue a writ of mandamus that the date as claimed by the employee (the respondent herein) should be accepted.”

6. Considering the same, this Court has declined a similar challenge in Writ Appeal No.181 of 2014 (Prabhuram v. South Eastern Coalfields Limited and others).

7. There is no merit in the writ application. It is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE