

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.6824 of 2014**

Mahesh Ram, aged about 51 years, S/o Late Puni Ram, Haveli Chowk, Chhuri Kala, Tahsil Katghora, P.O. Chhuri, P.S. Katghora, Civil and Revenue District Korba, Chhattisgarh

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

1. South Eastern Coalfields Limited, through its Chairman cum Managing Director, SECL Head Quarter, Seepat Road, Bilaspur, Chhattisgarh
2. The Director (Personnel), South Eastern Coalfields Limited, SECL Head Quarter, Seepat Road, Bilaspur, Chhattisgarh
3. Personnel Manager, Surakachhar Colliery, Surakachhar Sub-Area of Korba Area, South Eastern Coalfields Limited, Tahsil Katghora, District Korba, Chhattisgarh

---- **Respondents**

For Petitioner	:	Shri Ravindra Agrawal, Advocate
For Respondents/SECL	:	Shri Sudhir Bajpai, Advocate

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

1. In this writ application, the Petitioner questions his date of birth recorded in Form B as 28.1.1954 asserting that it is 4.6.1963.
2. Learned Counsel for the Petitioner submits that the Petitioner was appointed through the Employment Exchange. His registration in the Employment Exchange Certificate mentions his date of birth as 4.6.1963. The statutory Form B Register mentioning his date of birth as 28.1.1954 has not been signed by the Petitioner. He does not know how that entry was made.
3. Learned Counsel for the SECL submits that he has filed counter-affidavit today in which it has been specifically denied that the Petitioner was appointed through Employment Exchange. Reliance is placed on the

entries in Form B Register bearing the thumb impression of the Petitioner also. The Petitioner has superannuated on 31.1.2014. The writ application has been filed only thereafter on 31.12.2014.

4. Whether the Petitioner was appointed through the Employment Exchange or not is therefore a disputed question of fact. The statutory Form B Register bears the thumb impression of the Petitioner. The authenticity attached to the entries in the statutory Form B Register has been considered in Writ Appeal No.399 of 2014 (South Eastern Coalfields Limited and others v. Sampat Kumar Chauhan) in turn placing reliance in support of the statutory presumption with regard to the entries in the same relying on (2005) 11 SCC 477 (State of Uttaranchal and others v. Pitamber Dutt Semwal) affirmed in Special Leave Petition (Civil) No.19199 of 2015 dated 20.7.2015. Whether it be institution of the writ application after superannuation or the disputed question of fact that whether the Petitioner was appointed through Employment Exchange or not coupled with the entries of date of birth in the statutory Form B Register bearing his thumb impression, the Court is not inclined to entertain it at a such highly belated stage after superannuation or the highly disputed question of fact cannot be interfered with.

5. The writ application is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE