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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 368 of 2014**

Chauthi S/o Shri Rajman, aged about 52 years, R/o C/o Shri Ram Ashray S/o Banshraj, Q. No. 221, Ekta Nagar, Khongapani, P.S. Jhagrakhand, Tehsil Manendragarh, District Korea, Chhattisgarh.

---- Petitioner**Versus**

1. South Eastern Coalfields Ltd. Through Chairman-cum-Managing South Eastern Coalfields Ltd. Seepat Road, Bilaspur, Chhattisgarh.
2. General Manager (Personnel/Administration) South Eastern Coalfields Ltd. Seepat Road, Bilaspur, Chhattisgarh.
3. Chief Personnel Manager, South Eastern Coalfields Ltd. Chirmiri Area, Chirmiri, District Korea Chhattisgarh.
4. Manager, Office of Senior Manager (Mining) West Chirmiri, South Eastern Coalfields Ltd. West Chirmiri, District Korea, Chhattisgarh
5. Superintendent of Mines, West Chirmiri Colliery, South Eastern Coalfields Ltd. West Chirmiri, District Korea, Chhattisgarh

---- Respondents

For Petitioner	:	Chandresh Shrivastava, Advocate.
For Respondents/SECL	:	Shri R.K.Gupta, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****31/08/2015**

1. Heard Learned Counsel for the parties.
2. Learned Counsel for the Petitioner submits that the Age Determination Committee did not comply with Implementation Instruction No. 76 properly. The Petitioner was appointed on 6.11.1983. The Petitioner represented on 11.6.2001 for correction of date of birth. He was wrongly forced to retire on 31.10.2013 on an erroneous date of birth recorded at the time of entry in service. Earlier Writ Petition (S) No. 1997 of 2013 preferred before superannuation, this Court directed determination of age by the Age Determination Committee under Implementation Instruction No. 76. Even the date of birth in the statutory Form-B register at the time of entry in service was recorded wrongly. The Age Determination Committee has not complied with the instructions properly.

3. Learned Counsel for the Respondents-SECL submits that the issue for correction of date of birth was raised by the Petitioner virtually before his superannuation on 31.10.2013 by filing Writ Petition (S) No. 1997 of 2013. The finality to the entries in the statutory Form-B register has been considered by this Court in Writ Appeal No. 399 of 2014 (South Eastern Coalfields Ltd. v. Sampat Kumar Chauhan) dated 27.2.2015 relying on (2005) 11 SCC 477 (State of Uttaranchal v. Pitamber Dutt Semwal) that this Court will not sit in reassessment over the decision of the Age Determination Committee as was also held in Writ Appeal No. 84 of 2014 (Amarjeet Singh v. SECL, through its CMD) relying on (2000) 8 SCC 696 (General Manager, Bharat Coking Coal Ltd. West Bengal v. Shib Kumar Dushad).

4. This Court has considered the submissions on behalf of the parties.

5. The issue with regard to correction of date of birth was brought to this Court by the Petitioner for the first time in 2013 after his appointment in November, 1983. In Sampat Kumar Chauhan (supra), this Court has considered a plethora of judicial precedents with regard to correction of date of birth sought at the fag end of service career and the consequences that may ensue for those who are in service if such belated claims are entertained. This matter has also been considered by a Division Bench in Writ Appeal No. 84 of 2014. The Special Leave Petitions against Sampat Kumar (supra) and Amarjeet Singh (supra) being Special Leave Petition (Civil) No. 19199 of 2015 and 14686 of 2015 have been dismissed on 20.7.2015 and 14.5.2015, respectively. That this Court in judicial review will not sit in appeal over the determination of age done by the Age Determination Committee also stands considered in Shib Kumar Dushad (supra).

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

Sd/-

(Navin Sinha)
CHIEF JUSTICE