

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.35898 of 2012

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DATED : 24.11.2015

Between :

M. Bala Chennamma

.. Petitioner

and

The State of Andhra Pradesh, rep by its

Principal Secretary, Women & Child Welfare

Department, Secretariat, Hyderabad and 3 others.

.. Respondents

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

The petitioner is working as Anganwadi helper at Tekuru Anganwadi Centre. At the time of initial appointment, it appears, no procedure was followed in providing employment and the petitioner was appointed without verifying her Date of Birth and other particulars. It appears, recently orders were issued by the competent authority

for ascertainment of age of persons working in various capacities under the project and in the said manner, the petitioner was asked to furnish the proof of age, and the petitioner submitted Aadhar Card. In the Aadhar card, her Date of Birth is mentioned as 1949. Based on the entry made in the Aadhar card, the petitioner was declared as retired from service w.e.f. 31.08.2015, aggrieved thereby, this writ petition is filed.

2. Learned counsel for the petitioner contends that the Date of Birth of petitioner is 08.11.1965, therefore she has lot of service to do. The question of retirement of petitioner does not arise and the counsel further contends that even though the order of retirement is passed on 05.10.2015, the petitioner is retired from a retrospective date and on that ground itself is *ex facie* illegal.

3. Learned counsel for the petitioner contended that Aadhar card entry was corrected subsequently and according to corrected Aadhar card entry, her Date of Birth is recorded as 8.11.1965.

4. According to learned Assistant Government Pleader, as per the entry in the service record of son of the petitioner, who is working as Secondary Grade teacher, his Date of Birth is recorded as 01.05.1977, therefore contends that if Date of Birth claimed by petitioner is correct, it implies that a son was born to the petitioner at the age of less than 12 years.

5. Learned Assistant Government Pleader by relying on the school leaving certificate contends that the signature of petitioner on the record sheet underneath the signature of Headmaster does not tally with the signature of the petitioner on other documents, therefore no reliance can be placed on the said document.

6. As directed by this Court, the service record of petitioner is produced. A perusal of the record would show that the petitioner produced the Aadhar card, which contained entry of year of Date of Birth as 1949. The competent authority has collected information regarding the particulars of children of petitioner.

7. It appears based on the certificate issued from the school authorities, where she claimed to have studied the other authorities have also issued certificates regarding her age by referring to the said certificate.

8. The contention of Learned Assistant Government Pleader that since son of petitioner was born on 01.05.1977, the petitioner could not have born on 08.09.1965,

cannot be brushed aside.

9. However, there is no authentic proof of age of petitioner. There was no material with the respondent to determine the age of petitioner. Reliance was placed on entry in AADHAR card whereas the said entries are subsequently altered. In view of peculiar facts of this case, I am of the opinion that petitioner be subjected to examination by competent medical board to ascertain the age of petitioner.

10. Accordingly, this writ petition is disposed of directing the Child Development Project Officer -3rd respondent herein to refer the petitioner to medical examination for the assessment of age by competent medical board, and basing on the assessment, appropriate decision as warranted by law should be taken. The petitioner shall be given prior intimation and medical examination exercise shall be completed within a period of four (04) weeks from the date of receipt of a copy of this order. Having regard to the fact that the petitioner has worked till 5.10.2015, even of the age of petitioner is found to be more than 60 years, petitioner is entitled to payment of pay and allowances payable to the Anganwadi helper till the date of her retirement, if the amount is not already paid.

11. Interim order granted earlier is extended and it is ordered that till the medical examination is completed and appropriate orders are passed the selection to the post of Anganwadi helpers to Tekuru Anganwadi Centre, shall not be finalized.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed.

P.NAVEEN RAO,J

Date: 24.11.2015

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