

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**SATURDAY, THE SEVENTH DAY OF NOVEMBER TWO THOUSAND AND
FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.36436 of 2015

Between:

Sunchu Babu, S/o. Buchaiah,
Age 59 years, Occ: Munshi,
(Employee Code No.02026905),
Singareni Collieries Limited,
SRP-I, Incline, Sriramapur Area,
Adilabad District.

.. Petitioner

AND

M/s. Singareni Collieries Company Limited,
At Kothagudem, Khammam District,
Rep. by its Chairman & Managing Director & 2 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner claims to have studied upto 10th class in Government High School at Mancherla, Adilabad District, and joined service as Munshi in M/s. Singareni Collieries Company Limited on 05.09.1982. According to the petitioner, he joined service when he was aged 24 years. The petitioner contends that at the time of joining service, the respondent authorities have obtained finger impressions from the petitioner for a declaration that the entries incorporated in the service record are authenticated and correct entries. The petitioner is now served with notice, dated 20.06.2015, informing the petitioner that his date of birth is 19.07.1956 and, therefore, he should retire from service on attaining the age of superannuation i.e., 18.07.2016. Challenging the same, this writ petition is filed.

2. Learned counsel for the petitioner submits that in the School Leaving

Certificate of the petitioner, the date of birth is communicated as 08.10.1958 and when the petitioner joined service, the petitioner was informed by the respondent company that his date of birth is entered as 08.10.1958. Ignoring the earlier information furnished to the petitioner and contrary to the School Leaving Certificate, the present notice is issued. The petitioner was not put on notice on the alleged change of date of birth. He was not informed by fixing his date of birth as 19.07.1956 at the time of entering into service. Thus, though the petitioner is entitled to continue in service till 2018, on account of the wrong entry of date of birth made in the service record, he is now made to retire from service two years ahead and such action of the respondent authorities is illegal. Learned counsel for the petitioner submits that if there is a dispute regarding the entry of date of birth, the respondent authorities ought to have referred the petitioner for medical examination before the duly constituted Medical Board. Learned counsel for the petitioner placed reliance on the decision of this Court rendered in W.P.No.33343 of 2012 and batch, dated 31.03.2015, concerning the respondent company and prays for direction to the respondent company to subject the petitioner for medical examination for determination of his date of birth.

3. Learned Standing Counsel agrees for disposal of the writ petition subjecting the petitioner for medical examination by following the principles laid down by this Court in the above batch of writ petitions.

4. Accordingly, the Writ Petition is disposed of, without expressing any opinion on merits, directing the respondent company to subject the petitioner for medical examination in accordance with the directions issued by this Court in W.P.No.33343 of 2012 and batch, dated 31.03.2015, and take appropriate further course of action regarding the date of birth entered in the service record and the date of retirement of the petitioner. The exercise of subjecting the petitioner to medical examination and the consequential decision shall be taken within a period of eight (8) weeks from the date of receipt of copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 7th November, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 7th November, 2015

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