

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4894 OF 2015
(Kishor s/o Gopala Patil vs. Western Coalfields Limited and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri D.S. Thakur, Advocate for petitioner.
Shri A.M. Ghare, Advocate for respondents.

CORAM : SMT. VASANTI A NAIK AND
KUM. INDIRA JAIN, JJ.

DATED : AUGUST 24, 2016

By this writ petition, the petitioner seeks a direction against the respondents to consider his representation for determining his age so that his age could be corrected from 15/7/1955 to 16/3/1957.

Shri Ghare, learned Counsel for the respondents, states that the petitioner has retired from service after attaining the age of superannuation. It is further stated that several disputed questions of facts would arise for determination in this writ petition and the matter relating to determination of the age of an employee may not be decided in exercise of writ jurisdiction. It is submitted that the petitioner has approached this Court at the fag end of his service when he was due to retire on 31/7/2015. It is further submitted that the petitioner has a remedy of approaching the Central Government Industrial Tribunal or filing a civil suit for seeking a declaration of his age, if he so desires. It is stated that the matter pertaining to

correction of date of birth may not be decided in exercise of writ jurisdiction.

In the circumstances of the case, we find much force in the preliminary objection raised on behalf of respondents. We uphold the preliminary objection and decline to entertain the writ petition.

Hence, the writ petition is disposed of with no order as to costs. The petitioner is free to avail the alternate remedy, if so desired. The points raised in the petition are kept open.

Order accordingly.

JUDGE

JUDGE

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CERTIFICATE

I certify that this order uploaded is a true
and correct copy of original signed order.

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Kamal H. Jeswani
Private Secretary

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