

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 27201 OF 2017

ORDER :

This writ petition is filed seeking writ of mandamus declaring the action of the 4th respondent in insisting the petitioner signature on the age assessed report made by the 5th respondent ignoring the School leaving Certificate and official record maintained by the respondents as illegal and arbitrary and consequently to direct the respondents to continue the petitioner in service till he attains the age of 60 years.

Heard Sri M.Viswanadham, learned counsel for the petitioner and Sri J.Sreenivasa Rao, learned Standing Counsel for the respondents.

It is to be seen that earlier petitioner filed W.P.No.465 of 2016 stating that without issuing notice, he was issued notice of retirement and his case was that his date of birth as per the school record was otherwise. This Court disposed of the aforesaid writ petition on 26.02.2016 by setting aside the impugned notices of retirement therein and subjecting the petitioner to medical examination by the competent medical board to assess the age of the petitioner after putting him on notice and after affording due opportunity to him and that until such exercise is undertaken, he shall be continued in service as per date of birth as 23.04.1958.

Now, it is the case of the petitioner that he was issued notice dated 21.07.2017 and directed him to appear before the Apex Medical Board on 08.08.2017. Learned counsel for the petitioner submits that the Apex Medical Board is not equipped to assess the age with latest techniques, but on the other hand, he submits that the petitioner is an illiterate. Even before the petitioner is subjected to medical examination and results are yet to come, it is not known how the petitioner can adjudge the issue. If the petitioner appeared before the Apex Medical Board, it is for the said Board to assess the age of the petitioner as on today. Moreover, the petitioner is not providing any record to Medical Board.

Learned counsel for the petitioner would submit that when once the school records establish the age of the petitioner, again he cannot be subjected to medical examination. The said contention does not merit consideration because the said aspect was put forwarded by the petitioner in the earlier writ petition i.e., W.P.No.465 of 2016 filed by him and same was considered by this Court and directed the respondents therein to conduct medical examination of the petitioner to assess his age. In view of same, it is not open for the petitioner to canvass the said issue again in this writ petition.

Sri J.Sreenivasa Rao, learned Standing Counsel for the respondents would submit that the petitioner has not produced any proof with regard to his age before the Medical Board and that the writ petition is premature.

In view of the same, I do not see any reason to entertain the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of.

16-08-2017
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A.RAJASHEKER REDDY,J

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Date: 16.08.2017

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