

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 816 of 2013**

Shiv Kumar Mishra S/o Satyanarayan Mishra Aged About 27 Years R/o Ring Road Mission Chowk Udiya Mahraj Complex, Ambikapur P.S. and Tahsil Ambikapur, Chhattisgarh.

---- Petitioner**Versus**

1. The Central Bank Of India Through The Zonal Manager, G.E. Road, Bombay Market, Raipur P.S. Gol Bazar Distt. Raipur, Chhattisgarh.
2. Regional Manager Regional Office, Central Bank of India Dhanjal Complex, Gandhi Chowk Ring Road, Ambikapur P.S. Ambikapur Distt. Surguja, Chhattisgarh.
3. Sub Artea Manager Regional Office Central Bank of India, Dhanjal Complex Gandhi Chowk, Ring Road, Ambikapur, P.S. Ambikapur Distt. Surguja, Chhattisgarh.

----Respondents

For Petitioner	:	Shri A.N. Pandey, Advocate.
For Respondents	:	Shri B.D. Guru, Advocate.
For Intervenor	:	Ms. Sharmila Singhai, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/09/2018**

1. The petitioner is aggrieved by the action on the part of the respondents in not considering his case for appointment to the post of Peon under the respondents vide advertisement which was issued on 29.10.2012 (Annexure P/2).
2. The facts of the case in brief is that an advertisement dated 29.10.2012 was issued by the respondents for filling up of different post. The petitioner applied for two posts i.e. post of Safai Karmi-cum-Peon and another post exclusively that of Peon. Under both these posts, there was one post each kept for handicapped person. The petitioner belonging to said category had applied for the same. However, the

candidature of the petitioner was not considered on account of his being aged barred.

3. The contention of the petitioner was that there was sufficient document produced before the authorities to establish his date of birth to be 08.06.1986 and if the same would have been considered to be his date of birth then the petitioner was eligible for participation to the said posts. The petitioner relied upon certain school certificates which reflects his date of birth to be 08.06.1986, so also the disability certificate issued by the District Medical Board wherein his age has been reflected as 26 years in the year, 2012. To substantiate his contention, the petitioner also had filed additional document on record i.e. birth certificate to show that his date of birth infact was 08.06.1986.
4. Perusal of record would show that all these documents pertaining to his date of birth where his date of birth is reflected as 08.06.1986 are all documents collected immediately before the recruitment process had begun or immediately after the recruitment process had commenced. As such, there was no document in possession of the petitioner which he had in his possession of a period of an earlier date to substantiate his date of birth.
5. On the contrary, the respondents have been able to produce two documents along with return i.e. Annexures R/2 & R/3. Annexure R/2 is a driving licence which shows his date of birth as 08.06.1972. This licence was issued by the concerned Transport Authority as early as on 25.08.2000. Similarly, there is another document obtained by the respondents i.e. Annexure R/3 dated 27.07.2012 i.e. the posting order

of the petitioner while working under the Ex-service Multipurpose Services (India) Pvt. Ltd. where again the date of birth of the petitioner has been reflected as 08.06.1972. This document has not been controverted by the petitioner in any manner. Neither he has any evidence to hold that these documents are false or fake documents relied upon by the respondents.

6. Given the aforesaid factual matrix of the case, this court finds it difficult to interfere with the decision of the respondents in not considering the case of the petitioner for appointment on the post of Peon.
7. Accordingly, the petition being devoid of merit deserves to be and accordingly stands dismissed.

Sd/-
(P. Sam Koshy)
Judge