

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.10014 OF 2011

ORDER

This writ petition is filed seeking the following relief:

“....to call for the records relating to impugned Notification No.P2/695(1) 2010-MPL-2, dt.1.12.2010 of the respondent and issue appropriate writ, order, direction especially in the nature of writ of Mandamus declaring the same as being illegal, without jurisdiction and invalid and grant all consequential benefits and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri P.Govindarajulu, learned counsel appearing for the petitioner and Sri A.Rama Rao, learned Standing Counsel appearing for the respondent-Corporation.

Initially, the petitioner was appointed as Cleaner in the respondent-Corporation in the year 1979 and after obtaining the driving licence, he was appointed as Driver in the year 1986. At the time of his initial appointment, he studied upto 5th class and his date of birth was recorded as 1.7.1957.

The grievance of the petitioner that the respondent-Corporation has erroneously entered his date of birth as 21.5.1953 based on the certificate issued by the Medical Officer and issued notice of retirement stating that he would be retiring on 31.5.2011.

Learned Standing Counsel appearing for the respondent-Corporation contends that at the time of his initial

appointment, the petitioner has not produced any school record; that the respondent-Corporation had referred the case of the petitioner to Medical Officer for assessment of his age; that the Medical Officer certified that the date of birth of the petitioner is 21.5.1953 and based on the said certificate, his date of birth was entered as 21.5.1953 and that no illegality or irregularity has been committed by the respondent-Corporation in retiring the petitioner on 31.5.2011.

Having regard to the facts and circumstances of the case, this Court is of the considered view that in the absence of any medical record produced by the petitioner to show his date of birth, based on the assessment made by the Medical Officer, the date of birth of the petitioner was recorded in his service register. No illegality or irregularity has been committed by the respondent-Corporation in retiring the petitioner on 31.5.2011. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

29th October, 2018
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