

**THE HONOURABLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION No.2818 OF 2020**

**DATED :27.02.2020**

Between :

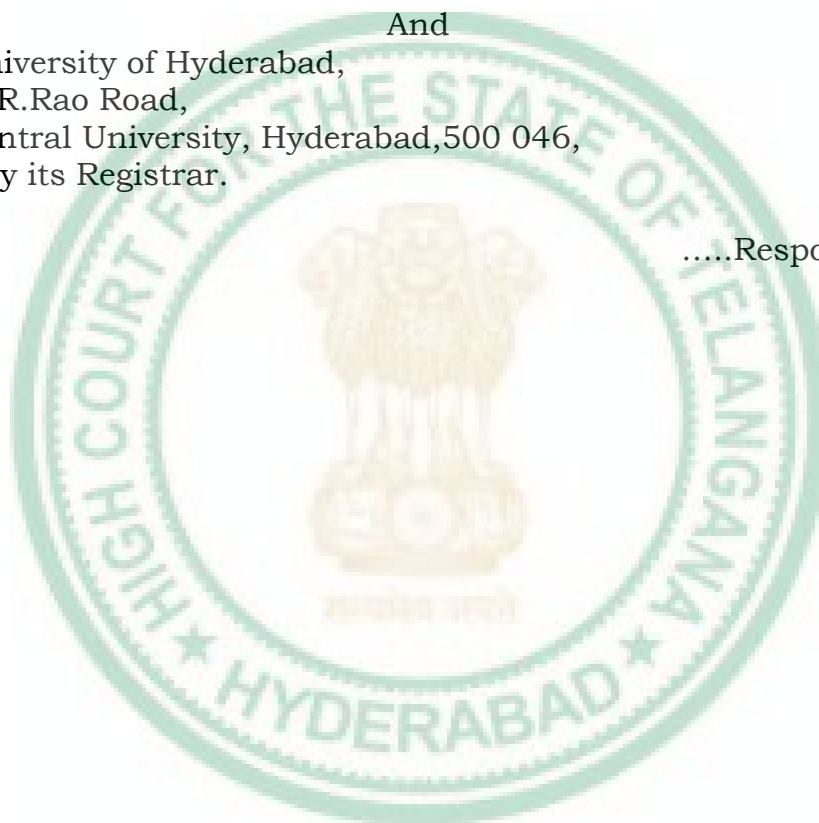
G. Shiv Raj S/o.late G.Pochaiah,  
Aged about 56 yrs, Occu : Cook Level-II,  
University of Hyderabad,  
R/o.H.No.1-100/29/10/1, Gopanpally Village,  
Serlingampally Mandal,  
Hyderabad 500 019, Ranga Reddy District.

..... Petitioner

And

The University of Hyderabad,  
Prof.C.R.Rao Road,  
P.O.Central University, Hyderabad,500 046,  
Rep., by its Registrar.

.....Respondent



The Court made the following:

**HONOURABLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION No.2818 OF 2020**

**ORDER :**

Heard learned counsel for the petitioner and learned Standing Counsel for the respondent-University.

2. This writ petition is filed challenging the proceedings informing the petitioner his retirement from service on 29.02.2020, on attaining the age of superannuation. The proceedings are based on the entry of Date of Birth of petitioner in service record as 02.02.1960. For that matter, there were three entries in the Date of Birth column. Initially, it was shown as 02.02.1960, later as 24.02.1963 and then again as 02.02.1960. Recently, petitioner was also subjected to medical examination to assess his age. The Gandhi Medical College assessed the age of the petitioner and reported that petitioner would be aged between 50 and 55 years as on the date of medical examination, strengthening the claim of petitioner to continue in service. The employer has not accepted the said report and decided to retire the petitioner treating the date of birth as 02.02.1960. This decision is under challenge.

3. Learned Standing counsel would submit that as the variation of assessment is too wide and therefore the employer has not accepted the assessment made by the Gandhi Medical College and same is not illegal. Learned Standing counsel does not dispute that the employer himself has referred the petitioner for medical examination. That being so, University could not have brushed aside assessment of age by Gandhi Medical College, having referred for such examination. However, there is merit in the

contention of learned Standing counsel that the Medical report cannot have such variation in age assessment and it should be as close as possible to the actual age.

4. However, having regard to the fact that there are different date of birth entries in service record a proper medical examination would meet ends of justice.

5. Having regard to the fact that petitioner has to retire from service on 29.02.2020, the respondent University shall refer the petitioner to Medical examination on 29.02.2020 or any other subsequent date, subject to the convenience of the Medical Board of Osmania General Hospital/Osmania Medical College. On the date fixed by the Medical Board of the Osmania General Hospital/Osmania Medical College, petitioner shall be examined in the presence of the Officer deputed by the Registrar and on due assessment, the Medical Board shall furnish a report to the University. On due consideration of the report of Medical Board, appropriate steps shall be taken. If the Medical Board assesses that petitioner has not attained the age of 60 years, he may be continued in service. The University shall intimate the date and place of Medical assessment to petitioner and he shall appear before Medical Board, on the date fixed for such assessment.

6. With the above observations, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

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**P.NAVEEN RAO,J**

27<sup>th</sup> February, 2020

Rds

Note: Issue C.C. by 28.02.2020