

OD-26

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/1335/2023

SARDISH HELA
VS
M/S EASTERN COAL FIELDS LTD AND ORS.

BEFORE:

The Hon'ble JUSTICE LAPITA BANERJI

Date : 22nd September, 2023

Appearance:

Mr. Partha Ghosh, Adv.

... for the petitioner.

Mr. Manik Das, Adv.

... for the respondent.

The Court :- Affidavit of service filed in Court today is kept with the record.

Mr. Ghosh, learned Counsel appearing on behalf of the petitioner submits that the petitioner has prayed for compassionate appointment in place and stead of her sister who died-in-harness as an employee of the Eastern Coal Fields Limited (ECL) on January 3, 2018. In the medical examination held by the ECL authorities on September 2, 2022. The petitioner's age was assessed to be between 42-45 years. However, the petitioner was declared to be physically fit.

In the examination conducted by the Apex Medical Board on March 6, 2023 the petitioner's age was assessed between 40-45 years. The petitioner's claim was rejected on the ground of being 'over-aged'.

He relies on the transfer certificate dated July 9, 2021 issued by the Head Master, Moira Colliery Junior High School, Moira Colliery, Burdwan (W.B.) showing that the date of birth of the petitioner is July 1, 1987. Therefore, the

petitioner prays for assessment of his age by any independent authority. Mr. Das, learned Counsel appearing on behalf of the ECL refers to the guidelines for pre-recruitment Medical test.

He submits that there is no discrepancy in the age that has been recorded in the Initial Medical Examination and in the examination conducted by the Apex Medical Board. The petitioner is over-aged and therefore his candidature has been correctly rejected by the ECL.

Considering the rival submissions of the parties and the material placed on record, this Court is of the view that there is no infirmity in the decision making process of the ECL. The transfer certificate issued by the school cannot be relied upon for disputing the age assessed in the Initial Medical Examination as also in the examination held by the Apex Medical Board.

This Court finds no perversity in the decision making process.

Accordingly **WPO/1335/2023** is **dismissed**.

Since no affidavits have been called for in the present writ petition, all the allegations contained are deemed not to have been admitted by the parties.

All the parties shall act on the server copies of this order duly downloaded from the official website of this Hon'ble Court.

(LAPITA BANERJI, J.)