

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL**WRIT PETITION No.24751 of 2021****ORDER:**

1. This Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“.....to issue a Writ, Order or direction more particularly one in the nature of Writ of mandamus, directing the respondents to accept the Acknowledgement copy of Aadhar Card dated 28/05/2013 and the original Aadhar card dated 11.08.2013 and Community and Date of Birth Certificate dated 05.12.2015 issued by Government of India and Government of Telangana as documentary proof as the proof of age and date of birth of Petitioner No.1 which is 01.01.1986 rather than the physical appearance or by the Medical Test conducted on 18/12/2018 and provide the Dependent employment in the Respondents company and also set aside the orders dated 25/09/2021 by reference No. MNG/PKOC-II Court/4031 and Order dated 6/4/2019 (again hand written as 24/4/2019) issued by respondents vide Ref no.MNG/PKOC/WO-14/19/1584 and also declare the action of the Respondents as arbitrary unjust and violative of Articles 14 and 21 of the Constitution of India and pass such other order or orders.”

2. Learned counsel for the petitioners submits that the respondents had declared petitioner No.2 as medically unfit vide Ref.no.MNG/PKOC/WO-14/19/1584, dated 24.01.2016. Petitioner No.2 vide representation dated 20.05.2016, has sought employment in the respondent organization being the son-in-law of petitioner No.1. Accordingly, the respondents conducted

medical examination on 18.12.2018, wherein the age of the petitioner No.1 was determined as 40 years as on 18.12.2018. Aggrieved by which the petitioners had filed W.P.No.14045 of 2021, wherein this Court has directed the respondents to consider the representation of the petitioners in accordance with law and pass appropriate orders. He also submits that in compliance of the order passed by this Court, the respondents have considered the case of the petitioners and passed speaking order vide Ref.No.MNG/PKOC-II/Court/4031, dated 25.09.2021, and rejected the representation dated 03.09.2021 of petitioner No.2 for providing dependant employment to his son-in-law i.e., petitioner No.1. Aggrieved by which the petitioners have filed the present writ petition.

3. Learned counsel for the petitioners also submits that the respondents have not taken into consideration the Aadhar Card issued by the Unique Identification Authority of India, wherein the date of birth of petitioner No.1 was recorded as 01.01.1986 and also relies upon the certificate issued by the Government of

Telangana issued by Tahsildar, Munuguru Mandal, wherein the date of birth of petitioner No.1 was recorded as 01.01.1986, as per the declaration given by his parents and as per entries in the school records. Learned counsel also submits that even though the petitioners case stands good on merits and in terms of Implementation Instruction No.76, wherein it is clearly stated at (A)(iv) that in the case of illiterates the date of birth will be determined by the Colliery Medical Officer keeping in view any documentary and other relevant evidence as produced by the appointee. Date of birth as determined by the Colliery Medical Officer shall be treated as correct date of birth and the same will not be altered under any circumstances, still the case of the petitioners was not considered inspite of the submission of relevant documentary proof and therefore seeks this Court's indulgence.

4. On the other hand, Mr.Sridhar, learned counsel representing Mr.P.Sri Harsha Reddy, learned standing counsel for respondents submits that the petitioners have been making unsuccessful

attempts and approached this Court with unclean hands and untenable grounds seeking its indulgence though it is not maintainable, therefore seeks to dismiss the writ petition in limine by imposing costs for troubling this Court with this sort of vexatious writ petition.

5. In view of the submissions made by both the learned counsels, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

6. Miscellaneous application, if any pending, shall stand dismissed.

JUSTICE E.V.VENUGOPAL

Date:20.01.2023
Vsl

HONOURABLE SRI JUSTICE E.V.VENUGOPAL

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W.P.No.24751 of 2021

Dated:20.01.2023
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