IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE ACTING CHIEF JUSTICE SRI P. SAM KOSHY
AND
THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA

WRIT APPEAL NO.378 OF 2026

(CNR No: HBHC010200682026)

Date: 28.10.2026

Reserved on: 16.06.2026 **Pronounced on: 28.10.2026**

Uploaded on: 02.11.2026

Between:

Merugu Chandraiah

...Appellant

AND

The State of Telangana and others

...Respondents

JUDGMENT: *(As per the Hon'ble Sri Justice Narsing Rao Nandikonda)*

Heard **Mr. G. Vidya Sagar,** learned counsel representing **Mr. Kalavala Sanjeev**, learned counsel appearing for the appellant, learned Government Pleader for Services-II appearing for respondent No.1 and **Mr. Goda Siva**, learned counsel representing **Mr. P.Sriharsha Reddy**, learned Standing Counsel for Singareni Colories Company Ltd.

appearing for the respondent No.2. Perused the entire material on record.

2. This Writ Appeal is filed under Section 15 of the Letters of Patent against the order passed by the learned Single Judge in Writ Petition No.28304 of 2023 dated 30.10.2025.

3. Writ Petition No.28304 of 2023 is filed seeking the following relief:

> *"pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent Nos.3 to 6 issued by the Impugned Age Assessment Report dated 21/7/2023 is highly illegal arbitrary unconstitutional violation of Principles of Natural Justice and also in violation of Articles 14 of the Constitution of India set aside the impugned Age Assessment Report dated 21/7/2023 and consequently direct the respondent No.3 to 6 to consider the petitioner Date of Birth as per SSC on dated 20/08/1973 and to continue him in servile in the respondent company and to grant"*

4. The specific case of the petitioner is that the petitioner was appointed as a Floating Badili Worker in 1988, the respondent Corporation wrongly recorded his date of birth as

15.11.1963 instead of 20.08.1973, as mentioned in his SSC memo.

5. The petitioner submitted that despite repeated requests for correction of his date of birth and his subsequent promotion based on his SSC memo, the respondent Corporation failed to rectify the entry. In W.P.No.6690 of 2019, this Court was pleased to dispose of the said writ petition *vide* order dated 19.12.2021 directing the respondents to refer his case of the petitioner to the Age Determination Committee in accordance with the JBCCI instructions dated 27.03.1990.

6. The petitioner challenges the Age Determination Committee's report dated 21.07.2023, which assessed his age at around 60 years and consequently treated his age at the time of appointment as 25 years.

7. The petitioner contended that the respondent Corporation corrected the dates of birth of similarly situated employees who were below 18 years of age at the time of their appointment, pursuant to the settlement dated 12.03.1990, but denied the same benefit to the petitioner.

8. The petitioner submitted that in accordance with the settlement and the circular issued by the respondent Corporation, he approached the authorities before 30.04.1990 seeking correction of his date of birth based on his SSC certificate. However, his request was orally rejected on the ground that he had not submitted the school certificate at the time of his appointment.

9. The petitioner argued that pursuant to the order passed by this Court in W.P.No.6690 of 2019, he appeared before the Apex Medical Board on 13.04.2023 and submitted the necessary certificates. Although his SSC certificate indicated his date of birth as 20.08.1973, the impugned age assessment report dated 21.07.2023 confirmed the date of birth recorded in the company's records as 15.11.1963.

10. The petitioner contended that the Apex Medical Board assessed his age as approximately 60 years as on 21.07.2023, thereby treating him as 25 years old on 15.11.1988, without properly considering his SSC certificate,

which indicated that he was below 18 years of age at the time of his initial appointment.

11. The petitioner submitted that the respondent Corporation extended the benefit of date-of-birth correction to similarly situated employees but discriminated against him by denying the same relief.

12. The petitioner further contended that the impugned age assessment report dated 21.07.2023 is contrary to the spirit of the earlier order passed by this Court in W.P.No.6690 of 2019, which directed the respondents to refer his case to the Age Determination Committee constituted under the JBCCI instructions and to pass appropriate orders in accordance with law.

13. On the above grounds, the petitioner contended that the respondents failed to properly consider his SSC certificate and comply with the directions of this Court and the petitioner is entitled for the relief as prayed for.

14. The respondents contended that the directions issued by this Court in W.P.No.6690 of 2019 were duly complied with

by referring the petitioner to the Age Determination Committee under the JBCCI guidelines. After examining the petitioner, the Apex Medical Board assessed his age as approximately 60 years as on 21.07.2023 and confirmed the date of birth recorded in the company's records as 15.11.1963.

15. The respondents submitted that as the petitioner did not produce any documentary proof of his date of birth at the time of his initial appointment, his age was assessed as 25 years as on 15.11.1988 by the Colliery Medical Officer and recorded in the Age Assessment Form and Initial Medical Examination Form-O. The respondents contended that certificates or documents produced at a later stage cannot be considered for correction of the date of birth.

16. The respondents further contended that the petitioner refused to sign the Age Assessment Report and subsequently obtained it through an RTI application. As the earlier Court directions had been complied with and the petitioner sought correction of his date of birth at the fag-end of his service, he

is not entitled to the relief sought in the writ petition, particularly in view of the judgment in ***Kambam Venkata Rao v. Chairman and Managing Director, Singareni Collieries Company and Others***[1].

17. Having heard both learned counsel for the petitioner and respondents, the learned Single Judge has dismissed the present Writ Petition taking in view of the fact that an earlier order of this Court passed in favour of the petitioner, dated 09.12.2021 in WP No.6690 of 2019 had been duly complied with, and in view of the settled legal position by the Apex Court that request for change of date of birth in the service records at the fag-end of service is not sustainable, this Court is of the opinion that petitioner is not entitled for the correction of date of birth at the fag-end of petitioner's service.

18. Aggrieved by the said order, the present Writ appeal is filed by the appellant/petitioner on the following grounds and further argued and contended that the petitioner was initially

[1] 2022 SCC OnLine TS 2639

appointed on 08.07.1989 pursuant to the selection process conducted on 15.11.1988, which included a physical test involving running a distance of five kilometers. He was thereafter provided training at the vocational training centre. Upon successful completion of the training, the petitioner was temporarily empanelled as Floating Badili Filler at MBK-6 Incline *vide* proceedings Ref.No.P.BPA/261-VIII/2527, dated 03.07.1989, for a period of two months. During the said period, his services were utilized against available vacancies arising due to absenteeism in piece-rated jobs, between the 8th and 23rd of each month and only during the II and III shifts and his services were automatically terminated at the end of said two months. It is further submitted that the appellant's SSC certificate issued by the Board of Secondary Education, recording his date of birth as 28.08.1973 and the fact that he passed the SSC examination in October 1988 was not considered.

19. The learned Single Judge failed to consider that the appellant was appointed as a Coal Filler with effect from

01.09.1995, with monetary benefits from 01.01.1996, and was subsequently promoted as Sampling Mazdoor with effect from 01.05.2008, pursuant to proceedings dated 21.11.2008.

20. It is the case of the appellant that SCCL's circular dated 27.03.1990, issued pursuant to the Memorandum of Settlement dated 12.03.1990 under the Industrial Disputes Act, whereby correction of the date of birth of educated Badili Fillers and Floating Badili Fillers was permitted on the basis of their SSC certificates was also not considered. The appellant submitted a representation dated 09.04.1990 and made several subsequent representations, including one dated 05.07.2018, seeking correction of his date of birth.

21. The learned Single Judge failed to consider that the Apex Medical Board assessed the appellant's age as 25 years as on 15.11.1988, as communicated through proceedings dated 13.01.2019, without properly considering his SSC certificate and the applicable JBCCI instructions and also that the appellant challenged the age-assessment proceedings dated 13.01.2019 in W.P.No.6690 of 2019, which was disposed of

on 09.12.2021 with a direction to approach the Age Determination Committee in accordance with the applicable JBCCI guidelines and instructions.

22. It is contended that despite the appellant producing his SSC certificate before the Apex Medical Board on 21.07.2023, his date of birth was not corrected and his age was determined on the basis of the service records and the medical certificate issued under the Mines Rules, 1955.

23. The learned Single Judge failed to appreciate that the respondents' contention that the date of birth recorded in the service register was final and could not be altered on the basis of subsequent documents was misconceived, particularly in view of the appellant's claim under the applicable settlement and JBCCI instructions and also not considered that the provisions of Chapter IV-A of the Mines Rules, 1955, relied upon by the appellant were stated to be inapplicable to persons temporarily employed for a continuous period not exceeding six months. The appellant contended that his initial engagement as a Floating Badili

Filler was for only two months and that the medical examination and Form-O certificate could not conclusively determine his date of birth.

24. It is averred that SCCL had implemented Item 7-A of the Memorandum of Settlement dated 12.03.1990 concerning correction of the dates of birth of educated Badili Fillers and Floating Badili Fillers on the basis of SSC records and did not consider the alleged discriminatory treatment meted out to the appellant, particularly when the dates of birth of other employees, including Sri K. Srinivas, were corrected on the basis of their SSC certificates, whereas the appellant's request was rejected.

25. It is further averred that the learned Single Judge did not appreciate the appellant's contention that his case was covered by JBCCI Instruction No.76, particularly Clause B thereof, as acknowledged in the respondents counter-affidavit, and consequently erred in dismissing the writ petition without properly considering the relevant facts and applicable instructions and also not considered the material

evidence, the relevant service proceedings, the applicable settlement and the JBCCI instructions governing correction of the date of birth ought to have granted the relief sought by the appellant. Hence, the order dated 30.10.2025 passed in W.P.No.28304 of 2023 is liable to be set aside.

26. The learned Single Judge did not appreciate that the appellant's initial appointment on 08.07.1989 was temporary (Floating Badili Filler), exempting him from Chapter IV-A and Rule 29-B of the Mines Rules. Furthermore, the age assessed unilaterally by the Medical Officer without following the prescribed procedure or conducting a proper medical examination is void and cannot override genuine school records and also not considered that under the bipartite settlement dated 12.03.1990 (communicated on 27.03.1990) and JBCCI Instruction No.76, employees initially engaged as Badili Fillers were entitled to have their date of birth corrected based on authenticated school certificates. The appellant's school certificate from an SCCL school was verified and found genuine.

27. It is further contended by the petitioner that the learned Single Judge did not appreciate the fact that the respondent company had already officially recognized the appellant's SSC qualification while appointing/promoting him as Sampling Mazdoor Category-I *vide* proceedings dated 21.11.2008, thereby making it impermissible to disregard the date of birth reflected in the same certificate.

28. The dismissal is discriminatory because similarly situated employees appointed under the age of 18 (e.g., Kasaboina Saraiah, Majipalli Srinivas/Kajipalli Srinivas, Gaddam Ranga Babu and Sakinana Rajeshwara Rao) were granted corrections to their date of birth based on SSC certificates under the 12.03.1990 settlement, despite not submitting certificates at initial engagement. The appellant was denied the exact same relief under identical circumstances and the learned Single Judge has dismissed the writ petition on the premise that the claim was made at the fag-end of service. The appellant had applied for correction as early as 09.04.1990 pursuant to the company circular, followed by

continuous representations dated 29.11.2012, 21.08.2014, 17.11.2017, 05.07.2018, and 16.08.2018, all of which were left unaddressed or rejected orally.

29. Having heard the submissions and rival contentions of both the counsel, it is pertinent to mention here that as on 15.11.1988, when the petitioner appeared for the selection test and was sent for vocational training, he also asked to undergo medical examination and on 03.07.1989, when he was temporarily empanelled, the petitioner had already passed the SSC examination through the compartmental system in October 1988. The certificate was issued on 05.12.1988, recording his date of birth as 28.08.1973. The said SSC certificate is a relevant document that requires consideration while determining the petitioner's actual date of birth.

30. The petitioner was also subjected to a medical examination on 15.11.1988 under the provisions of the Mines Rules, 1955, wherein Form-O is prescribed r/w. Rule 25 (F)(2) and Rule-29(L). Copy of the Form-O in terms of Mines Rules. In this

regard, Rules- 25(F) falls under Chapter-IV(A) of the Mines Rules, 1955, i.e., Form Rule-29(A) and Rule-29(P). It is contended that the medical examination conducted on the said date was in accordance with the applicable provisions of the Mines Rules, 1955. However, the applicability of the said provisions to the petitioner's temporary engagement, particularly in view of the nature and duration of his employment is also in dispute.

31. Subsequently, the respondents issued Circular dated 27.03.1990, prescribing guidelines for the implementation of the settlement and for resolving disputes relating to the date of birth of employees. The said circular invited applications from employees seeking correction of their dates of birth on the basis of SSC certificates and authenticated school records.

32. The petitioner contended that pursuant to the circular dated 27.03.1990, he submitted a representation dated 09.04.1990 seeking correction of his date of birth on the basis of his SSC certificate. However, his representation was

not considered and no justification was furnished by the respondents for not granting the requested correction. Although the petitioner submitted several representations thereafter, his last representation was made on 05.07.2018.

33. Pursuant to the said representation, the Central Manager, BHP addressed to the General Manager (Personnel), Corporate Office, requesting that the petitioner's age be assessed by the Apex Medical Board. The Apex Medical Board determined the petitioner’s age as 25 years as on 15.11.1988, and the same was communicated through proceedings dated 13.01.2019. Challenging the said proceedings, the petitioner filed Writ Petition No.6690 of 2019, contending that the assessment was contrary to JBCCI Instruction No.7 and the Memorandum of Settlement dated 12.03.1990. The said writ petition was disposed of with a direction to the respondents to refer the petitioner’s case to the Age Determination Committee constituted in accordance with the applicable JBCCI guidelines and instructions.

34. It is further contended that the Apex Medical Board convened meeting on 21.07.2023, during which the petitioner produced his SSC certificate showing his date of birth as 28.08.1973. The Board did not conduct a fresh medical examination for the purpose of determining his age but instead relied upon the entries in the service records and the medical certificate issued under the relevant provisions of the Mines Rules, 1955, to reiterate that he was 25 years old as on 15.11.1988.

35. The petitioner also contended that similarly situated employees were granted the benefit of correction of their dates of birth on the basis of their SSC certificates. In particular, he also referred that Sri K. Srinivas and Sri K.Saraiah and others, whose date of births were corrected pursuant to Office Order dated 11.09.1990, issued in respect of applications received under Clause 7A of the Memorandum of Settlement dated 12.03.1990. In the said case, the genuineness of the SSC certificate was verified by the Board of Secondary Education, Hyderabad, and the date of birth recorded in the

company's records was corrected accordingly. The name of Sri K. Srinivas appears at Serial No.65 in the said office order.

36. Though the respondents contended that he was a minor at the time of his engagement as a Floating Badili Filler, the benefit extended to similarly situated employees was not extended to him, despite his claim that he stands on the same footing. He asserted that his case falls within the relevant clause of the JBCCI instructions and that he is entitled to have his date of birth corrected in accordance with the applicable settlement and instructions.

37. The petitioner further contended that his appointment with effect from 03.07.1989 was purely temporary and was limited to a period of two months. Therefore, Chapter IV-A of the Mines Rules, 1955, including Rule 29B, cannot be applied to determine his age in the manner adopted by the respondents. He also submits that Rule 29B does not prescribe a procedure for determining the age of an employee who has not produced an authenticated school-leaving certificate.

38. It is pertinent to note that, although the petitioner submitted his application for correction of his date of birth on 09.04.1990 pursuant to the circular dated 27.03.1990, his case was not considered in accordance with the procedure prescribed under the relevant settlement.

39. As per the age-assessment procedure prescribed under the Memorandum of Settlement dated 17.09.1969 and Circular No.P-34/39/3456 dated 18.10.1969, in the event of a dispute regarding the date of birth entered in the service records of an employee, the management shall refer the matter to the Company's Medical Officer for verification of the age and date of birth, particularly after the introduction of the gratuity scheme. The opinion of the Medical Officer in this regard was agreed to be treated as final.

40. Subsequently, the procedure for determination and verification of the age of employees was finalized by the JBCCI in 1981. The said instructions prescribe four circumstances for determining the age of an employee. One such circumstance relates to an appointee who has already

passed the Matriculation or an equivalent examination, in which case the relevant certificate is to be considered for determining the date of birth.

41. Pursuant to the orders passed by this Court in the said writ petition, the respondents were directed to refer the petitioner's case to the Age Determination Committee constituted in accordance with the JBCCI instructions. It appears from the record that the matter was subsequently considered by the Area Age Determination Committee on 28.10.2022. The Committee observed that there was a disparity of approximately ten years between the age reflected in the company's records and the age corresponding to the SSC certificate produced by the petitioner herein. It further observed that if the date of birth recorded in the SSC certificate were accepted, the petitioner would have been only 15 years, 10 months and 18 days old at the time of his appointment.

42. As the necessary specialists and technical personnel, including a dentist and a radiologist, were not available at the

Area Hospital/BHP for conducting the requisite age assessment, the Committee recommended that the petitioner be referred to the Main Hospital at Kothagudem for further examination. Accordingly, the matter was referred to the Apex Medical Board for assessment of the petitioner's age.

43. When the petitioner appeared before the Apex Medical Board on 21.07.2023, he informed the Board that his date of birth, as recorded in his SSC certificate, was 28.08.1973, whereas the respondents had recorded his age as 25 years as on 15.11.1988. The members of the Board explained to him the regulations governing the constitution of the Apex Medical Board and the procedure followed in medical jurisprudence for age assessment.

44. The Apex Medical Board comprised a panel of doctors, including an occupational health specialist, a dental surgeon, a radiologist, an ophthalmologist, an ENT surgeon and an orthopedic surgeon. After considering the petitioner's statement, the available medical findings, the age recorded in the company's records and the guidelines issued by the

company for resolving age disputes, the Board assessed the petitioner's age as approximately 60 years as on 21.07.2023. On that basis, it confirmed the age previously recorded in the company's records, namely, 25 years as on 15.11.1988, corresponding to a date of birth of 15.11.1963.

45. Thus, the main grievance of the petitioner is that his date of birth ought to be determined on the basis of his SSC certificate, which records his date of birth as 28.08.1973, whereas the respondents maintain that the date of birth recorded in the service records, corresponding to 15.11.1963, was determined on the basis of the medical assessment and the records available with the company.

46. It is not in dispute that the petitioner had earlier approached this Court seeking correction of his date of birth and that the learned Single Judge, after considering the material placed on record, directed the respondents to refer his case to the Age Determination Committee constituted in accordance with the JBCCI instructions. It is also evident from the record that the petitioner was thereafter subjected to

consideration by the Area Age Determination Committee and the Apex Medical Board.

47. **Per contra**, the respondents contended that the petitioner had suppressed his educational records, including his SSC certificate, at the time of his initial engagement and that had his actual date of birth been disclosed, he would have been underage and ineligible for employment and his age was therefore recorded as 25 years as on 15.11.1988, corresponding to the date of birth of 15.11.1963, and the same was subsequently confirmed by the Apex Medical Board.

48. Accordingly, the dispute between the parties primarily concerns whether the petitioner's date of birth should be determined on the basis of the SSC certificate produced by him or on the basis of the medical assessment and service records relied upon by the respondents, having regard to the applicable JBCCI instructions, the Memorandum of Settlement dated 12.03.1990, the relevant circulars and the earlier directions issued by this Court.

49. It is also pertinent to mention that the petitioner, having complied with the directions issued by the learned Single Judge of this Court to refer his case to the Medical Board, appeared before the Apex Medical Board and subjected himself to the age-assessment procedure. Having undergone the said process, the petitioner cannot now seek the same relief of correction of his date of birth on the basis of his SSC certificate without successfully challenging the order passed by the learned Single Judge, which has attained finality. The petitioner cannot under the guise of the present proceedings, seek a relief that was already the subject matter of the earlier writ petition and was considered by this Court.

50. The learned counsel for the respondents further contended that the petitioner's representation seeking correction of his date of birth is liable to be rejected on the ground of suppression of material facts. It is submitted that at the time of his initial engagement, the petitioner deliberately suppressed the fact that he had passed the SSC examination prior to his appointment. The petitioner furnished an

undertaking stating that he had no documentary evidence to establish his age and thereby secured employment by representing himself as an illiterate candidate. A perusal of the application submitted by the petitioner at the time of his initial appointment indicates that against the column relating to educational qualifications and certificates, the entry was recorded as "No".

51. Thus, one of the principal grounds raised by the respondents for denying the petitioner's request for correction of his date of birth is the alleged suppression of his educational qualifications and SSC certificate. The respondents further contended that the petitioner's case was considered in accordance with the Memorandum of Settlement dated 12.03.1990 and the applicable JBCCI instructions. Having sought correction of his date of birth under the said settlement and having already challenged the consequential proceedings in the earlier writ petition, the petitioner cannot now question the findings of the Apex Medical Board without establishing any valid ground to

demonstrate that the age-assessment report is erroneous or otherwise unsustainable.

52. The petitioner appeared before the Medical Board pursuant to the directions issued by this Court, cannot merely turn around and contend that the assessment undertaken by the Board is invalid or illegal, particularly in the absence of any cogent material demonstrating an error in the assessment procedure or the conclusions reached by the Board.

53. It is also pertinent to note that the learned Single Judge, while considering the matter, took into account the settled legal principles laid down by the Hon'ble Supreme Court and the order passed by this Court in Writ Petition No.6690 of 2019. The learned Single Judge ultimately observed that a request for alteration of the date of birth recorded in the service records at the end of an employee's service cannot ordinarily be entertained. The question that arises for consideration in the present appeal is whether the petitioner has established any legally sustainable ground warranting interference with the order under challenge.

54. It is pertinent to refer to the implementation instructions issued by the Joint Bipartite Committee for the Coal Industry (JBCCI), Coal India Limited, under National Coal Wage Agreement-III, *vide* instruction No.76 dated 25.04.1988, bearing Reference No. CIL/NCWA-III/I.I. No. 76/88/185. The said instructions reiterate the earlier instruction No.7 dated 05.02.1981 and prescribe the procedure for determination and verification of the age of employees, including the procedure for resolving disputes concerning the date of birth recorded in the service records. The revised procedure is set out in the annexure appended to the said instructions.

55. A perusal of Annexure-I to the aforesaid instructions shows that it deals with the determination of age at the time of appointment and the procedure for determination and verification of the age of existing employees. Clause B thereof specifically deals with the review and determination of the date of birth of existing employees. The respondents contended that the petitioner's case was considered under the

said provision and that the age-assessment procedure was undertaken in accordance with the applicable guidelines.

56. However, the petitioner contended that at the time of his initial engagement, he was subjected to a medical examination on 15.11.1988, during which his age was assessed on the basis of his physical appearance, height, weight and other relevant parameters recognized in medical jurisprudence. The assessment made at that time cannot prevail over the date of birth recorded in his SSC certificate.

57. In this regard, it is necessary to distinguish between the date of the medical examination and the date on which the SSC certificate was issued. The SSC certificate, marked as Ex.P-3, records the petitioner's date of birth as 28.08.1973 and was issued on 06.12.1988, following his appearance in the examination conducted in October, 1988. Therefore, as on the date of the medical examination i.e., 15.11.1988, the petitioner had not yet been issued the said certificate. However, by the time of his initial engagement on 08.07.1989,

the SSC certificate had already been issued and was available to him.

58. It is also pertinent to note that the petitioner was initially engaged as a Floating Badili Filler with effect from 08.07.1989. Subsequently, he was appointed on a regular basis as a Sampling Mazdoor-I on 01.09.1995. The petitioner claims to have sought correction of his date of birth pursuant to the circular dated 27.03.1990. Although the record refers to representations made by him on different dates, including 09.04.1990 and subsequent dates, the precise chronology of the representations requires verification from the original record.

59. The respondents contended that the petitioner's request was not considered on the ground that he had not furnished any documentary evidence establishing his date of birth at the time of his initial appointment. The date of birth recorded in the company's service records, corresponding to an age of 25 years as on 15.11.1988, was determined in accordance with the applicable JBCCI guidelines and was treated as final.

60. The respondents further submitted that the petitioner deliberately withheld his SSC certificate at the time of his initial engagement, as the date of birth recorded therein would establish that he was below the minimum age prescribed for recruitment. According to the recruitment guidelines relied upon by the respondents, a candidate was required to be between 18 and 35 years of age to be eligible for employment. If the date of birth recorded in the SSC certificate were accepted, the petitioner would have been approximately 15 years and 10 months old at the relevant time and consequently, ineligible for appointment.

61. Therefore, respondents contended that the petitioner cannot take advantage of his own alleged suppression of material facts by seeking correction of his date of birth after having secured employment on the basis of the particulars furnished at the time of his initial engagement. They further submitted that the petitioner's subsequent claim that his date of birth ought to have been recorded in accordance with the

SSC certificate is devoid of merit and is motivated by an ulterior purpose.

62. On the other hand, the petitioner maintains that he raised the dispute concerning his date of birth at an early stage of his employment in 1990, pursuant to the circular issued by the respondents. He contended that his request was not considered in accordance with the prescribed procedure and that the subsequent determination by the Medical Board does not adequately address his claim based on the SSC certificate.

63. It is evident from the material on record that there is a discrepancy between the date of birth claimed by the petitioner on the basis of his SSC certificate and the date of birth recorded in the company's service records. The dispute also involves the circumstances in which the petitioner was initially engaged, the educational particulars furnished by him at the time of engagement, the medical assessment conducted on 15.11.1988 and the subsequent assessment

undertaken by the Apex Medical Board pursuant to the directions issued by this Court.

64. Ordinarily, where an employee's date of birth is disputed, the relevant educational certificates and other authenticated contemporaneous records are required to be considered in accordance with the applicable rules and instructions. However, the mere production of an SSC certificate does not conclude the controversy where the genuineness, applicability or circumstances surrounding the certificate are disputed and the employee's eligibility for initial appointment is also in question.

65. Considering the judgment of Jharkhand High Court in ***Ramanand Tiwary v. Indian Iron and Steel Company Ltd.***[2], the relevant paragraph is extracted hereunder:

> *13. The respondents, as indicated above, are bound by the Instruction No. 76 of N.C.W.A - III to treat the date of birth of the appellant on the basis of the Matriculation Certificate under any circumstances. In this context, it would be relevant to refer to a Division Bench Judgment of this Court rendered in the case of Awadh Singh v. Bharat*

[2] 2007 (2) BLJR 2068

Coking Coal Limited and Ors. reported in 2005 (2) JCR 474 (Jhr.), the relevant observations are as follows:

We are unable to convince ourselves that the respondents acted bona fide in asking the writ petitioner-appellant to appear before a medical board, when the matter had been decided earlier and a settlement had been arrived at between the parties that the age of the writ petitioner/appellant would be recorded in terms of his matriculation certificate upon proper verification. Admittedly, the certificate was duly verified from the Bihar School Examination Board and there could have been no further doubt in the matter and having particular regard to the Instruction No. 76, the respondents should have accepted the petitioner's age in terms of his Matriculation Certificate.

The aforesaid judgment is distinguishable from the facts and circumstances of the present case. In the case on hand, notwithstanding the fact that the respondents were already in possession of the petitioner's SSC certificate, the petitioner was subjected to medical examination pursuant to the directions issued by this Court. Therefore, the petitioner's medical examination was not based solely on the alleged suppression of facts but was undertaken in compliance with the directions of this Court. In view of the circumstances, the aforesaid judgment

is distinguishable on facts and does not come to the aid of the petitioner herein.

66. This Court further considered the judgment of Jharkhand High Court in ***Kamta Pandey v. B.C.C.L.***, the relevant paragraphs are extracted below:

> *14. At the outset it shall be stated that the Instruction No. 76 of National Coal Wage Agreement III is applicable to the respondent Company as well as to the petitioner. In fact, there is no dispute over the applicability of provisions of Instruction No. 76 of National Coal Wage Agreement III in this case as the same has been admitted by the counsel for the respondents also. The Instruction No. 76 of the National Coal Wage Agreement III dated 24.5.1988 is a bilateral agreement between the Company and the Union and this deals with the procedure for verification of the age of the employee, which is reproduced below:*
>
> *Implementation Instruction No. 76 Procedure for Determination/Verification of Age of Employees (A) Determination of the age at the time of appointment*
>
> *(i) Matriculates In the case of appointees who have passed "Matriculation or equivalent examination the date of birth recorded in the said Certificate shall be treated as correct date of birth and the same will not be altered under any circumstances.*
>
> *15. As per this instruction as agreed upon by the parties, the determination of the age shall be based upon Matriculation Certificate and the date of birth recorded in the said certificate alone*

shall be treated as the correct date of birth. Clause (B) of Instruction No. 76 which provides for the review of determination of date of birth in respect of existing employees, is reproduced below: (B) Review determination of date of birth in respect of existing employees

(i)(a) In the case of the existing employees Matriculation Certificate or Higher Secondary Certificate issued by the recognized Universities or Board or Middle pass certificate issued by Board of Education and/or Department of Public Instruction and admit cards issued by the above Boards should be treated as correct provided they were issued by the said Universities/Board/Institutions prior to the date of employment.

16. The above instruction, which is, admittedly, binding upon the respondent company, would clearly indicate that in the case of the existing employees, date of birth mentioned in the Matriculation Certificate alone shall be treated as authentic and correct date of birth. If it is found that the said certificate, which is genuine, containing the date of birth, has been issued by the recognized University or recognized Board of Education, it cannot be altered under any circumstances. When the instruction found in the agreement reflecting the scheme provided for implementation envisaging the specific procedure for determination of date of birth conclusively, it cannot be said that entries made in the service register alleged to have been acknowledged by the employee would nullify the effect or the object with which the Instruction No. 76 has been introduced.

18. The above decision would specifically deal with Instruction 76 of the National Coal Wage Agreement III. When there are conflicting date of births between the entries made in the Matriculation Certificate and the entries made in the other records, including the medical records, this Court would specifically hold that it cannot be disputed under Implementation Instruction No. 76, which is followed by the employer, the age determination is to be done at the time of appointment, first on the basis of Matriculation Certificate, if available, as the said instruction indicates that in the case of

appointees, who have passed matriculation or equivalent examination, the date of birth mentioned in the said certificate alone shall be treated as an authentic and correct date of birth and the same cannot be altered under any circumstances. This ratio decided by the Division Bench in Awadh Singh (supra) was mainly based upon the Implementation Instruction No. 76, which was accepted by both the parties through a bilateral agreement. This view in our considered opinion is correct view as the said view decided the ratio on the basis of the bilateral agreement agreed upon by both, the respondent Company and the Unions. So we feel the said judgment rendered by the Division Bench in Awadh Singh (supra) has been correctly decided.

67. It is pertinent to mention here that the findings recorded in Para No. 18 of the aforesaid judgment squarely apply to the facts and circumstances of the present case, as both the petitioner and the respondents are bound by the instructions and circulars issued in accordance with the JBCCI guidelines, which have binding force on all the parties concerned, including the petitioner. Furthermore, the decision to refer the petitioner for medical examination is in accordance with the relevant circular and also in compliance with the order passed by this Court in the earlier W.P.No.6690 of 2019.

68. In the present case, the respondents contended that the discrepancy between the date of birth recorded in the SSC

certificate and the age determined during the medical examination necessitated reference of the matter to the Apex Medical Board in accordance with the applicable bipartite agreement and the circulars issued by the company. The petitioner's case was accordingly referred to the Medical Board, which, after considering the available records and undertaking the prescribed age-assessment procedure, confirmed the age previously recorded in the company's service records.

69. In view of the above circumstances and having regard to the petitioner's participation in the age-assessment procedure pursuant to the directions issued by this Court, the petitioner has not established sufficient grounds to demonstrate that the report of the Apex Medical Board is liable to be set aside. Further, the petitioner has not demonstrated any legally sustainable basis for disregarding the applicable JBCCI instructions and the procedure followed by the respondents in resolving the age dispute.

70. For the aforesaid reasons, we are of the considered opinion that the grounds raised by the petitioner in the present appeal do not warrant interference with the order passed by the learned Single Judge. The parties are bound by the applicable circulars, the relevant JBCCI instructions and the Memorandum of Settlement governing the determination and verification of the age of employees. Consequently, the writ appeal is liable to be dismissed.

71. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

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P. SAM KOSHY, HACJ

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NARSING RAO NANDIKONDA, J

Date: 28.10.2026
vjb