IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION NO: 1350 OF 2016

Between:

Koyyada Papaiah, S/o Mallaiah, aged about 59 years, Occ: Ex-General Mazdoor, E.C.No.0866472, R/o 2-105, Rangapur Village, Peddapally Mandal, Karimnagar District.

...PETITIONER

AND

1. The Singareni Collieries Company Ltd., rep. by its Managing Director, Kothagudem, Khammam District.
2. The General Manager, The Singareni Collieries Company Ltd., RG-III Area, Ramagundam, Karimnagar District.
3. The Chief Medical Officer, Singareni Collieries Company Limited, Kothagudem, Khammam District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to call for the records from the Respondents and issue an appropriate Writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring that the order passed by the 2nd respondent in proceedings Ref. No. RG3/PER/PM/54/3087, dated 06-10-2015, determining age of petitioner as 61 years as on 21-09-2015 instead of 59 years 14-07-1956 as illegal, unjust, contrary to law, perverse, in violation of principles of natural justice and violative of Articles 14 and 21 of the Constitution of India and consequently set-aside the same declaring that petitioner is entitled to continue in service upto 31-07-2016 treating his original date of birth as 14-07-1956.

I.A. NO: 1 OF 2016(WPMP. NO: 1698 OF 2016)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to reinstate and continue petitioner in service till he attains the age of superannuation on 31-07-2016, pending disposal of the Writ Petition

Counsel for the Petitioner: SRI A. K. JAYAPRAKASH RAO

Counsel for the Respondents: P SRI HARSHA REDDY (SC FOR SINGARENI COLLIERIES CO.LTD)

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION No.1350 OF 2016

ORDER:

This writ petition is filed to call for records and to declare that the order passed by the respondent No.2 herein in proceedings Ref.No.RG3/PER/PM/54/3087, dated 06.10.2015 determining the age of the petitioner as 61 years as on 21.09.2015 instead of 59 years with date of birth reckoned as 14.07.1956 as illegal, contrary to law, unjust and perverse and to declare that the petitioner is entitled to continue in service up to 31.07.2016 by considering the original date of birth as 14.07.1956.

2. Heard Sri A.K. Jayaprakash Rao, learned counsel for the petitioner and Sri P. Sri Harsha Reddy, learned Standing Counsel for Singareni Collieries Company Limited and perused the record.

3. It is contended by the learned counsel for the petitioner herein that the petitioner herein was appointed in the service of the respondent Company on 13.07.1981 as a Badli Filler and while joining the service his age was 25 years as per his educational qualification certificates.

4. It is contended that the petitioner studied Class X from Zilla Parishad Secondary School, Julapally, Karimnagar District, which issued a School Leaving Certificate on 05.09.1980 recording his date of birth as 14.07.1956, which he had furnished prior to his appointment and, on that basis, he was under the *bona fide* belief that he would retire on attaining the age of superannuation i.e., on 31.07.2016.

5. The petitioner contends that his age was wrongly entered/altered in the service records as 27 years as on 1981 instead of 25 years as on 1981 and that his representation dated 06.06.2013 against the said alteration in the service records was ignored and that aggrieved by such inaction he filed W.P. No. 21249 of 2013.

6. The said writ petition along with writ petitions filed by similarly placed workers, with a similar prayer, were disposed by this Court on 31.03.2015 with W.P.No.33343 of 2012 as the lead case, directing the respondent to refer the matter to Apex Medical Board.

7. It is contended that the petitioner appeared before the Medical Board on 11.09.2015 and 21.09.2015 and the Medical Board without taking into consideration the school certificate produced by the petitioner and without assigning any cogent

reasons continued the entries made by the authorities themselves; that the petitioner is entitled to continue in service upto 31.07.2016 reckoning his date of birth as 14.07.1956 (as entered in the school records)

8. *Per Contra*, the learned Standing Counsel for the respondent Company stated that the petitioner did not submit any documentary proof regarding his age/date of birth at the time of initial appointment in the respondent Company. The age of the petitioner was assessed as 27 years as on 21.05.1981 by the Colliery Medical Officer, in the age assessment form and the same date of birth was recorded in the service records and the other statutory documents. The learned Standing Counsel further submitted that the date of birth recorded in the service records would be considered authentic.

9. The learned Standing Counsel further contended that as per Implementation Instruction No.76 of the Joint Bipartite Committee for Coal Industry (JBCCI), the procedure in determination of the age/ date of birth at the time of appointment is done by determining the age at the time of appointment was as under:

> *Procedure for determination/verification of age of the employee and for resolution of disputes cases of service records*
> *(A) Determination of the age at the time of appointment*

i) Matriculates:
In the case of appointees who have passed Matriculation or equivalent examinations, 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.
ii) Non-matriculates but educated:
In the case of appointees who have pursued studies in a recognized educational institution, the date of birth recorded in the School Leaving Certificate, shall be treated as correct date of birth and the same will not be altered under any circumstances.
iii) Ex-Servicemen:
In the case of Ex-servicemen who are not matriculates, the date of birth recorded in the Army Discharge Certificate shall be treated as correct date of birth and the same will not be altered under any circumstances. In the case of Ex-Servicemen who have passed Matriculation examination, the date of birth recorded in the Matriculation Certificate will be treated as correct date of birth, provided they have passed the Matriculation examination before entering the Defense Services; otherwise the date of birth recorded in Army Discharge Certificate will be taken as correct date of birth.
iv) Illiterate:
In the case of appointees not covered under the foregoing clauses, 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 shall be treated as correct date of birth and the same will not be altered under any circumstances."

10. It is further contended that for review or determining the date of birth in respect of existing employees, the following procedure is considered as per the implementation instruction No.76 which reads as under:

(B) Review/determination of date of birth in respect of existing employees:
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 the Board of Education and/or Department of Public Institutions and admit cards issued by the aforesaid Bodies should be treated as correct provided they were issued by the said Universities/ Boards/ Institutions prior to the date of employment.

b) Similarly, Mining Sirdarship, Winding Engine or similar other statutory certificates where the Manager had to certify the date of birth will be treated as authentic. Provided that where both documents mentioned in (i) (a) and (i) (b) above are available, the date of birth recorded in (i) (a) will be treated as authentic.

Wherever there is no variation in records, such cases will not be reopened unless there is a very glaring and apparent wrong entry brought to the notice of the Management. The Management after being satisfied on the merits of the case will take appropriate action for correction through Age Determination Committee/ Medical Board.

11. The respondent Company contended that the petitioner neither produced the School Leaving Certificate at the time of his appointment nor submitted any documentary evidence in support of his age during his Initial Medical Examination, on account of which, the respondent Company's Medical Officer after medical examination assessed the age of the petitioner as 27 years as on 21.05.1981. The said date was entered in the petitioner's service record and the petitioner herein has acknowledged his date of birth as 21.05.1954, which was duly recorded by the respondent Company in all its records.

12. It is also contended that on the basis of the date of birth entered in the records of the respondent Company i.e., 21.05.1954 the petitioner herein was issued one month's advance intimation of due date of retirement as 31.05.2014 *vide* letter dated 02.05.2014.

13. It is further contended that the respondent Company has issued proceedings *vide* dated 16.08.2012 and displayed the date of birth of the employees as per the records of the respondent Company on notice board for information of the employees, called for remarks in case of any discrepancy and requested the employees to submit representations with supporting documents as prescribed in the JBCCI guidelines for correction of age/date of birth on or before 15.09.2012.

14. However, the petitioner has not responded to the above notification and the petitioner was examined by the Apex Medical Board on 21.09.2015 as per the directions of this Court dated 31.03.2015 in WP No. 33343 of 2012, wherein the Board determined the petitioner's age as above 61 years as on 21.09.2015 and confirmed the age/date of birth recorded in the company's record i.e., 27 years as on 21.05.1981 and the same was communicated to the petitioner under the impugned proceedings No.RG3/PER/PM/54/3087, dated 06.10.2015.

15. Further, the respondents contend that the petitioner has retired from the service of the respondent Company on 31.05.2014 i.e., on attaining the age of superannuation and his name was removed from the rolls of the respondent Company and he has submitted his claim forms and has claimed all his terminal benefits due to him.

16. I have taken note of the respective contentions urged.

17. In the instant case, it is the case of the petitioner that he is entitled to continue his service in the respondent Company till 31.07.2016 on the basis of the school leaving certificate, wherein his date of birth is shown as 14.07.1956 and the date of birth was wrongly recorded by the respondents by assessing his age as 27 years as on 21.05.1981, instead of 25 years as on 21.05.1981 while joining the service on 13.07.1981.

18. Further, the petitioner admittedly made his first representation seeking correction of his date of birth on 06.06.2013 (Ex.P5) more than 30 years after joining the service and more than one year after the date fixed by the respondent Company calling for objections, and about 3 years prior to the date of his retirement on attainment of superannuation i.e., on 31.05.2014. It is clear that the representation was made at fag end of his service just prior to his retirement.

19. It is pertinent to note that, in the event the petitioner had in fact submitted the alleged school certificate, as being asserted by him, there would have been no occasion or necessity for the respondent Company to have referred the petitioner to the Colliery Medical Officer for the purpose of ascertaining his age. This itself shows that the petitioner did not furnish any school certificate as alleged by him at the time of joining of the service.

20. It is settled position of law that, for an employee seeking the correction of his date of birth, it is a condition precedent that he must show, that the incorrect recording of the date of birth was made due to negligence of some other person, or that the same was an obvious clerical error failing which the relief should not be granted to him ***(See: Commissioner of Police v. Bhagwan V. Lahane[1]).***

21. Further, in the case of ***Uma Ram v. M/s. Bharat Coking Coal Limited***[2], it was observed that the age of illiterate appointees is to be determined by the Colliery Medical Officer keeping in view any documentary and other relevant evidence produced by the concerned appointees and the said date of birth has to be treated as correct date of birth which cannot be altered under any circumstance.

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[1] (1997) 1 SCC 247

[2] L.P.A.No.81 of 2025, dated 22.08.2025

22. Further, the petitioner did not provide any evidence or proof on record to show that the date of birth recorded as 21.05.1954 was due to the negligence of the respondents, and the petitioners also failed to show that the date of birth was recorded incorrectly, due to want of care on the part of the respondents, despite the fact that a correct date of birth had been shown on the documents presented or signed by him.

23. The Hon'ble Supreme Court in ***State of M.P. v. Premlal Shrivas***[3] while reiterating the similar view in ***Bharat Coking Coal Limited and others v. Shyam Kishsore Singh***[4] has held as under:

> ***8.*** *It needs to be emphasised that in matters involving correction of date of birth of a government servant, particularly on the eve of his superannuation or at the fag end of his career, the court or the tribunal has to be circumspect, cautious and careful while issuing direction for correction of date of birth recorded in the service book at the time of entry into any government service. Unless the court or the tribunal is fully satisfied on the basis of the irrefutable proof relating to his date of birth and that such a claim is made in accordance with the procedure prescribed or as per the consistent procedure adopted by the department concerned, as the case may be, and a real injustice has been caused to the person concerned, the court or the tribunal should be loath to issue a direction for correction of the service book. Time and again this Court has expressed the view that if a government servant makes a request for correction of the recorded date of birth after lapse of a long time of his induction into the service, particularly beyond the time fixed by his employer, he cannot claim, as a matter of right, the correction of his date of birth, even if he has*

[3] (2011) 9 SCC 664
[4] (2020) 3 SCC 411

> *good evidence to establish that the recorded date of birth is clearly erroneous. No court or the tribunal can come to the aid of those who sleep over their rights (see Union of India v. Harnam Singh [(1993) 2 SCC 162 : 1993 SCC (L&S) 375 : (1993) 24 ATC 92]).*
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> (emphasis supplied)

24. It is also to be noted that an application for correction of the date of birth should not be dealt with keeping in view only the petitioner, as any such direction for correction of the date of birth has a chain reaction, inasmuch as others waiting for years for their respective promotions will be affected because of the correction of the date of birth and many officers who are below him in seniority waiting for their promotion, may lose the promotion for ever ***(See: Home Department v. R. Kirubakaran[5]).***

25. The Apex Court in the case of ***G.M. Bharat Coking Coal Limited West Bengal v. Shib Kumar Dushad and others***[6] by reiterating the view taken in ***Burn Standard Co. Ltd. v. Dinabandhu Majumdar***[7] has held as under:

> *22. .....The fact that an employee of Government or its instrumentality who has been in service for over decades, with no objection whatsoever raised as to his date of birth accepted by the employer as correct, when all of a sudden comes forward towards the fag end of his service career with a writ application before the High Court seeking correction of his date of birth in his service record, the very conduct of non-raising of an objection in the matter by the*

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[5] 1994 Supp (1) SCC 155
[6] (2000) 8 SCC 696
[7] (1995) 4 SCC 172

> *employee, in our view, should be a sufficient reason for the High Court, not to entertain such applications on grounds of acquiescence, undue delay and laches. Moreover, discretionary jurisdiction of the High Court can never be said to have been reasonably and judicially exercised if it entertains such writ application, for no employee, who had grievance as to his date of birth in his 'service and leave record' could have genuinely waited till the fag end of his service career to get it corrected by availing of the extraordinary jurisdiction of a High Court. Therefore, we have no hesitation, in holding, that ordinarily High Courts should not, in exercise of their discretionary writ jurisdiction, entertain a writ application/petition filed by an employee of the Government or its instrumentality, towards the fag end of his service, seeking correction of his date of birth entered in his 'service and leave record' or service register with the avowed object of continuing in service beyond the normal period of his retirement.*

26. Thus, the claim of petitioner herein to correct the date of birth cannot be permitted at the fag end of his service career to raise a dispute as regards the correctness of the entries in the service records. Furthermore, the petitioner herein has filed the present writ petition on 18.01.2016 i.e., after two years from the date of retiring from the service on 31.05.2014, which again shows delay/laches on the part of the petitioner.

27. Further, on a perusal of the material on record, it is seen that in compliance with the directions issued *vide* order dated 31.03.2015 in W.P.No.33343 of 2012, the petitioner was examined by the Apex Medical Board on 21.09.2015, and the Apex Medical Board conclusively determined the age of the petitioner as above 61 years and duly communicated it to the

petitioner. The petitioner did not raise any objection at the relevant time and having failed to do so despite due notice, the petitioner is deemed to have accepted the determination by the Board, which has attained finality. Thus, the petitioner cannot now be permitted to challenge the age assessment report at this belated stage.

28. Therefore, this Court is of the view that the petitioner's claim for correction of date of birth cannot be considered and the change in date of birth cannot be permitted at this stage by the respondent Company. The writ petition is without any merit and is liable to be dismissed.

29. Accordingly, the Writ Petition is dismissed. No order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

Sd/- A. SREENIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI A. K. JAYAPRAKASH RAO, Advocate [OPUC]
2. One CC to SRI P. SRI HARSHA REDDY, S.C. for Singareni Collieries Co. Ltd., [OPUC]
3. Two CD Copies

MMT
MP

SK

HIGH COURT

DATED:26/09/2025



ORDER

WP.No.1350 of 2016

DISMISSING THE WRIT PETITION

WITHOUT COSTS

(5) SA
12-01-26.