IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 391 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 07/03/2025 in W.P.No.8613 of 2024 and pass on the file of the High Court.

Between:

Jetti Lachaiah, S/o. J. Maisaiah, aged about 53 years, Occ ; Class-IV Employee, E.C.No.8009854, The Singareni Collieries High School, Sector-III, 8 Incline Colony, Ramagundam Area-II, Godavarikhani- 505 211, Peddapalli District (TS)

.....APPELLANT/PETITIONER

AND

1. The Director (PA and W), The Singareni Collieries Company Ltd., and The President, The Singareni Collieries Educational Society, Qtr. No. UM-14, Writers Basthi, Kothagudem 507 101, Bhadradri Kothagudem District (TS).
2. The General Manager (Education), The Singareni Collieries Company Ltd., and The Secretary, The Singareni Collieries Educational Society, Qtr. No. UM-14, Writers Basthi, Kothagudem 507 101, Bhadradri Kothagudem District (TS).
3. The General Manager, The Singareni Collieries Company Ltd., Ramagundam Area-II, Godavarikhani- 505 211, Peddapalli District (TS).
4. The Head Master, The Singareni Collieries High School, Sector-III, 8 Incline Colony, Ramagundam Area-II, Godavarikhani- 505 211, Peddapalli District (TS)

.....RESPONDENTS/RESPONDENTS

I.A.NO:2 OF 2025

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 stay

the operation of the orders dated 07.03.2025 in W.P. No.8613 of 2024 and consequently issue directions for reinstatement.

Counsel for Appellant : SRI KALLEPALLI THIRUMALA RAO

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

The Court made the following JUDGMENT : -

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

Writ Appeal No.391 of 2025

JUDGMENT:

Heard Mr.K.Thirumala Rao, learned counsel for the appellant. Also heard Mr.P. Sri Harsha Reddy, learned Standing Counsel for Singareni Collieries Company Limited appearing for the respondents.

2. The learned writ court has referred the appellant, who is the writ petitioner, to the Age Determination Committee/Medical Board on the question of determination of his age.

3. Writ petitioner approached the writ court with the following prayer:

> "...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ declaring the action of the Respondents in not considering his representations dated 28/03/2022 and 03/07/2023 and issuing the impugned proceedings Ref.No.SCES/SEC/2023/655 dated 10/06/2023 and Ref.No.SCES/SEC/2023/1299 dated 03/11/2023 and consequential proceedings Ref.No.SCES/SEC/2023/1423 dated 06/12/2023 stipulating that on attaining the age of 61 years on 10/12/2024 he has to retire on

Superannuation from the services of Singareni Collieries Educational Society in the afternoon of 31/12/2024, as illegal, arbitrary and contrary to law and consequently to issue directions to the respondents to accept the Date of Birth as brought out and maintained by the respondents in the S.C. High School Civil List, CMPF Records and Service Register and consequently continue the petitioner in service till he attains his age of 61 years on 08/06/2032 and thereby retire on attaining superannuation on 30/06/2032 and to pass..."

4. In the earlier round of litigation in W.P.No.24454 of 2001, writ petitioner had prayed for regularization of his service as employee of Singareni Collieries Educational Society (SCES). The learned writ court directed regularization of his services vide order dated 26.12.2017. He was subjected to Medical Board, which determined his date of birth on the basis of the Ration Card produced by him as 10.12.1963. Writ petitioner was sought to be retired on the basis of the entry made in his Service Book with effect from 31.12.2024. Therefore, he approached this Court again for the aforesaid relief. The learned writ court took into consideration Clause (B) of Implementation Instruction No.76, which relates to review/determination of date of birth in respect of existing employees and also the variation in the date of birth recorded in Civil List/Coal

Mines Provident Fund (CMPF) records and the Service Book and therefore, referred the matter to the Age Determination Committee/Medical Board for determination of his age. Being aggrieved by the impugned order, the writ petitioner has preferred this appeal.

5. Learned counsel for the appellant submits that the learned writ court ought to have held that the date of birth of the appellant is 08.06.1971 as recorded in the Civil List/CMPF Records, Form PS-3, Form PS-4, instead of Form 'O' and Service Book relied upon by the respondents to treat his date of birth as 10.12.1963. It is submitted that the writ petitioner entered into the service as a contingent worker on 01.10.1993 in the SCES, where his date of birth is mentioned as 08.06.1971, thereby, he should have superannuated with effect from 30.06.2032, instead of 31.12.2024.

6. Our attention has been drawn to the Civil List (page 55) prepared by the S.C.High School, Sector-III, Incline Colony, Gadavarikhani, but this document does not contain the date on which it was prepared, though the date

of birth of the writ petitioner has been recorded as 08.06.1971.

7. Learned counsel for the appellant has also drawn our attention to the declaration made by the employee in CMPF, which records the date of birth of the appellant as 08.06.1971.

8. However, this Form is again self-filled. Form PS-3 is attached to the declaration, which again is self-filled and contains the date of birth of the writ petitioner as 08.06.1971. Similar is the Nomination Form filled by the employee. Admittedly, he was not a matriculate. His Service Book (page 65) was opened on 10.05.2018 and records his date of birth as 08.06.1971 vide order dated 09.05.2018 (page 144).

9. The variation in the CMPF records with the documents relied upon by the employer i.e. his Service Book and Form O, persuaded the learned writ court to refer his case for age determination to the Age Determination Committee/Medical Board as is provided

under the Implementation Instruction No.76 which lays down the procedure for determination/verification age of employees and reads as under:

> **"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 the Board of Education and/or Department of Public Instruction 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.
>
> ii) 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.
>
> c) Age Determination Committee/ Medical Board for the above will be constituted by the Management. In the case of employees where date of birth cannot be determined in accordance with the procedure mentioned in (B)(i)(a) or (B)(i)(b) above, the date of birth recorded in the records of the company namely, Form B register, CMPF Records and

> Identity Cards (untampered) will be treated as final. Provided that where there is a variation in the age recorded in the records mentioned above, the matter will be referred to the age Determination Committee/Medical Board constituted by the Management for determination of age."

10. The above conspectus of facts show that there are no documents contemporaneous with the entry of the writ petitioner into service in 1993 showing his date of birth recorded at that point of time. Other documents, such as CMPS Form and other forms annexed thereto are self-filled. The age determined by the Medical Officer at the time of regularization shows his date of birth as 10.12.1963 on the basis of his ration card. Therefore, the learned writ court could not have come to a conclusion as to which one of the two dates is his correct date of birth. In such circumstances, the procedure laid down by the Singareni Collieries Company Limited for determination/verification age of employees in Implementation Instruction No.76(B) was the correct course available to the writ court.

11. We therefore do not find any error in the impugned order.

12. Accordingly, the instant appeal is dismissed. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/- T. VIJAY KUMAR
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI KALLEPALLI THIRUMALA RAO, Advocate [OPUC]
2. One CC to SRI P.SRI HARSHA REDDY (SC FOR SINGARENI COLLIERIES CO LTD) Advocate [OPUC]
3. Two CD Copies

SA
LS

HIGH COURT

DATED:12/08/2025



ORDER

WA.No.391 of 2025

DISMISSING THE W.A

WITHOUT COSTS.

(5) PA
8/10/25