

Mohd. Riyaz Vs. the Western Coalfields Ltd

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SooperKanoon Citation : sooperkanoon.com/1047349

Court : Madhya Pradesh

Decided On : Feb-25-2013

Appellant : Mohd. Riyaz

Respondent : The Western Coalfields Ltd

Advocate for Pet/Ap. : Shri. Bhoop Singh

Judgement :

WRIT PETITION No.21681/201

25. 02.2013 Shri Bhoop Singh, learned Counsel for the petitioner.

Heard on the question of admission.

This is third round of litigation in respect of claiming correction in the date of birth.

The petitioner has based his claim on a certificate of transfer issued by the school concerned where the petitioner was studying, categorically stating that in the said certificate the date of birth recorded is 24.01.1955 whereas on the basis of medical examination since it has been said that the petitioner is about 60 years of age, he is sought to be retired on the basis of wrong date of birth recorded in the service record.

The petitioner had approached this Court on earlier two occasions when this Court has directed conducting of enquiry by the respondents in respect of date of birth of

the petitioner.

On second occasion, after conducting the enquiry, the respondents have passed the order and have categorically stated that the petitioner had not produced the school education certificate before the authorities concerned, on the other hand he has accepted his date of birth to be 01.07.1950 in all the relevant documents while in service.

According to the respondents, since there was no evidence available, a disputed date of birth reflected in the school certificate cannot be accepted.

The aforesaid circumstance indicates that on the occasions when the respondents were directed, enquiries were conducted.

However, if any evidence is available WRIT PETITION No.21681/2011 2 with the petitioner, he is required to approach the appropriate forum, the Labour Court, for his claim with respect to date of birth.

He would be entitled to raise the questions as also to produce the evidence.

It is clear that disputed questions of facts are not required to be decided by this Court in exercise of extraordinary powers under Article 226 of the Constitution of India.

Accordingly, the writ petition is disposed of with liberty to the petitioner to approach the Labour Court claiming appropriate relief in accordance with the law.

Certified copy as per rules.

(K.K.Trivedi) Judge Skc

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