
(2003) 04 JH CK 0018
In the Jharkhand High Court
Case No : L.P.A. No. 210 of 2002

Jagarnath Sah

APPELLANT

Vs

Chairman, Steel Authority of India Ltd. and Others

RESPONDENT

Date of Decision : 29-04-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 1 JCR 460

Hon'ble Judges : Gurusharan Sharma, J; Amareshwar Sahay, J

Bench : Division Bench

Advocate : Prakash Chandra Roy and Nityanand Prasad Choudhary, for the Appellant; Rajiv Ranjan, for the Respondent

Final Decision : Dismissed

Judgement

1. Heard. The appellant joined the services of Bokaro Steel Plant on 23.7.1973 as Rigged. At the time of joining he filled up the Personal Data Form. In the said form he mentioned his age as 25 years, age of his wife as 20 years and his son as 8 years. On reckoning his age with age of his wife and son, the officer got a doubt about his age. When the appellant was confronted with such doubt, he immediately bracketed his declared age of 25 years and disclosed his age as 30 years, which was accepted and he was allowed to Join. Subsequently, it was found that deliberately the appellant furnished wrong information at the time of his entry in the service. Later on he realized his mistake and corrected his age as 30 years. According to management of Bokaro Steel Plant, the appellant himself corrected his age at the time of his entry in the service and at the fag end of his service, he was trying to raise the issue regarding his age, which was not permissible. The appellant represented the management to change his age, which was rejected, on 5.5.1995 in writing. The appellant filed CWJC No. 3061 of 1999 @ in this Court, which was disposed of on 31.1.2001 with a direction to move before the General Manager (P/A) of the Plant with supporting documents. On his representation, a reasoned order was passed by the said authority on

13.4.2001 after examining his case. The appellant did not produce any documents in support of his age as 25 years in 1973, whereas if his date of birth is compared with that of his son, who was of 8 years in 1973 and his wife, who was of 20 years then it was logically not possible that the couple had a child at the age of 12 years the appellant himself thereafter corrected his age as 30 years. It is relevant to state that medical book is issued for the purpose of medical treatment at the Plant's Hospital and the age mentioned therein cannot be taken to be inclusive. In W.P.(S) No. 2372 of 2001 filed against the order dated 13.4.2001 the appellant claimed that he had disclosed his actual age as 25 years on the date of interview, i.e., on 25.4.1973 and accordingly at the time of entry in the service it was recorded as 25 years in the Personal Data Form prepared by the management-employer. Some time in the year 1994 he came to know that the entry in respect of his date of birth recorded at the time of his appointment has been changed/interpolated in the Service Book as 30 years. The General Manager (P/A) of the Plant on the other hand found his allegation to be totally false and concocted. He was demanding change of his age/date of birth at the fag end of his career after two decades of service in the plant.

2. In our opinion, it was not a case of ascertainment of date of birth of the appellant at the fag end of his service career, rather the allegation was of change/interpolation in his age/date of birth in the Service Book by the management/employer, hence, the learned single Judge rightly held that this Court cannot grant relief under Article 226 of the Constitution of India by making a declaration with regard to the date of birth of the writ petitioner. He can very well get his date of birth adjudicated and declared by a civil Court of competent jurisdiction. Determination of the question of interpolation can be done only on adducing evidence by the parties which was not possible to be done in writ jurisdiction of this Court. Be sides going to civil Court the appellant is at liberty to choose any other competent forum for the redressal of his grievance in accordance with law. We find no reason to interfere with the impugned order. This appeal is dismissed