

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 5856 of 2025

Kailash Kumar, aged about 30 years, son of Late chakradhar Mahato, resident of Kenduadih Basti, P.O. Jitpur, P.S. Putki, District Dhanbad - 828309.

... .. **Petitioner(s)**

Versus

1. M/s. Bharat Coking Coal Limited through its Chairman-cum-Managing Director, having its office at Koyla Bhawan, Koyla Nagar, Dhanbad, P.O. Koyla Nagar, P.S. Saraidhela, District Dhanbad-826005.
2. The Director (HR), M/s. Bharat Coking Coal Limited, having its office at Koyla Bhawan, Koyla Nagar, Dhanbad, P.O. Koyla Nagar, P.S. Saraidhela, District Dhanbad - 826005.
3. The General Manager, M/s. Bharat Coking Coal Limited, having its office at Koyla Bhawan, Koyla Nagar, Dhanbad, P.O. Koyla Nagar, P.S. Saraidhela, District Dhanbad - 826005.
4. The General Manager, Putki Balihari Area No. VII, M/s. Bharat Coking Coal Limited at Putki, P.O. Kusunda, P.S. Putki, District Dhanbad-828116.
5. The Project Officer, Bhagabandh Colliery, under Putki Balihari Area No. VII, M/s. Bharat Coking Coal Limited at Bhagabandh Colliery, P.O. Bhagabandh, P.S. Putki, District Dhanbad 828111.

... .. **Respondent(s)**

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Nipun Bakshi, Advocate
For the Respondent(s) : Ms. Swati Shalini, Advocate

04/ 29th October, 2025

1. The petitioner in this writ petition has prayed for quashing the Age Assessment Report dated 12.11.2024 by the respondent- M/s Bharat Coking Coal Limited (herein after referred to "BCCL") wherein his age has been assessed as 42 years and 6 months, based on medical examination and thereafter the respondents did not process the application for compassionate appointment of the petitioner on the ground that the age of the petitioner is exceeding the upper age limit for appointment. The petitioner also prayed for compassionate appointment on account of death of his father who was an employee of BCCL.

2. Heard the parties.

3. The father of the petitioner, late Chakradhar Mahato was an employee of Bharat Coking Coal Limited. He died on

09.12.2021. As there is a scheme for grant of compassionate appointment in the Bharat Coking Coal Limited, the petitioner applied for the same.

4. It is the case of the petitioner that the date of birth of the petitioner is 08.05.1990 as per the Matriculation Certificate. In spite of recording of such date birth in the Matriculation Certificate, the respondents had sent the petitioner for age assessment where age of the petitioner was assessed as 42 years 6 months as on 03.10.2024. As per such assessment, as on the date of death of father of this petitioner, he was aged more than 35 years. Be noted that the upper age limit for securing service in Bharat Coking Coal Limited is 35 years. Since the age of the petitioner was found to be more than the upper age limits for appointment, his application was not processed nor he was considered for compassionate appointment.

5. Learned counsel appearing on behalf of the petitioner submitted that his date of birth as per the Matriculation Certificate is 08.05.1990, thus the respondents could not have re-assessed his age to arrive at the finding that his age is 42 years 6 months. It is his contention that the age assessment report is bad and the age which has been recorded in the Matriculation Certificate has to be considered for all purpose.

6. Learned counsel appearing on behalf of the Bharat Coking Coal Limited submits that the age recorded in the Matriculation Certificate is not correct and the actual age of this petitioner has been deliberately suppressed at the time of Matriculation or at the time of entering in school, thus it cannot be considered. He submits that the documents show that the petitioner was born much before 08.05.1990. Further the petitioner never challenged the action of the Bharat Coking Coal Limited by which he was sent for age assessment. Once the petitioner was sent for age assessment and he has not challenged the action of sending him for age assessment, he now cannot challenge the finding.

7. After hearing the parties, I find that the father of the petitioner died on 09.12.2021. It is also an admitted fact that there

is a scheme for compassionate appointment. It is also admitted that the maximum age for securing job in Bharat Coking Coal Limited is 35 years.

8. The petitioner made an application within the time framed by the respondents but he was sent for age assessment. In normal circumstances, the age recorded in the Matriculation Certificate is sacrosanct but there can be some deviation. This is such a case where a doubt is created about the actual date of birth which has been recorded in the Matriculation Certificate. It is also admitted that in the year 1987 to update the records of the employees of BCCL and other subsidiaries of Coal India Limited, service excerpts were supplied to all the employees. The employees were supposed to fill-up the said form giving details of their family members including the age etc. The service excerpts in 1987, which was given to the father of petitioner was duly filled-up and authenticated by the LTI of the father of the petitioner which is at Annexure-1. While going through Annexure-1, I find that in the said document, name of the petitioner finds place. He is shown as the son of Late Chakradhar Mahato and his age (though there is some manipulations) has also been mentioned. After name of this petitioner, the name of his sister who was of one year, named Pinki Kumari, is also mentioned. This clearly suggests that the father of this petitioner had two children in the year 1987, one is the petitioner and another is Pinki Kumari. If that be so, the date of birth of the petitioner which is reflected in the Matriculation Certificate as 08.05.1990 is not the correct recording. If as per the Matriculation Certificate, the petitioner was born in 08.05.1990 then why and how his name transpires as a son of Late Chakradhar Mahato in 1987 itself is beyond comprehension. A Constitutional Court cannot ignore such glaring discrepancy.

9. As there was some discrepancy in the date of birth of the petitioner and the age, naturally the respondents had sent the petitioner for age assessment. The petitioner did not object for age assessment rather subjected himself to such direction of the BCCL and got his age assessed. Now the age of the petitioner was

assessed as 42 years 6 months as on 30.10.2024. Be it noted that as per the service excerpts, the petitioners age was written as 3 years, which commensurate with the age assessed by the Management after undertaking the medical examination.

10. Once a person subjects himself to medical assessment in respect of date of birth, he cannot challenge the finding of the same. Admittedly the age of the petitioner was assessed to be more than 35 years. 35 Years is the maximum age limited for seeking appointment in BCCL. Since, the petitioner has crossed the upper age limit, the case of the petitioner cannot be considered for compassionate appointment. Thus, I don't find any merit in this writ petition, thus the instant writ petition is **dismissed**.

(ANANDA SEN, J.)