

WPA 24407 of 2025
with
CAN 1 of 2026

Inderdeo Dusad
Vs.
Eastern Coalfields Ltd. & Ors.

Mr. Swarup Banerjee
Mr. Sajal Kumar Ghosh
Mr. Bishal Mondal
Mr. Atik Masud Molla
..... for the petitioner

Ms. Anjali Shaw
..... for the ECL

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. The petitioner had applied for appointment on compassionate ground on April 8, 2019 on the death of his father dated January 3, 2019. The Medical Board of the respondent authorities examined the petitioner and found him to be overaged on the date of the application and thereby rejected his application for compassionate appointment.
3. The petitioner, upon such rejection, made a further application for medical re-examination as per NCWA guidelines of the respondent authorities.
4. In terms thereof, the petitioner had been re-examined on June 30, 2021 by the Apex Medical Board and was found to be overaged on that date.

5. The petitioner's father, at the time of appointment, had furnished certain particulars which appear from the service records at page no. 14 of the writ petition, issued on May 14, 1987, wherefrom it clearly appears that the petitioner, at the material point of time as on April 1, 1987, was five years of age. Clearly the petitioner was born in 1982 and not in 1991, as proposed by the petitioner. The petitioner, on the date of making the application, according to the particulars provided by his father with the respondent authorities, was approximately 37 years of age.

6. This issue has not been challenged by the petitioner and in fact, he has placed reliance on the excerpts of the service records appended to the writ petition dated May 14, 1987.

7. The petitioner has also been re-examined by the Apex Medical Board on account whereof there is no doubt that the petitioner was above the age of 35 years at the time of making the application. Records are clear, unequivocal and unassailed that the petitioner was born in 1982 and was 37 years of age on the date of making the application.

8. Two decisions are relied upon by the petitioner of the Hon'ble High Court of Jharkhand at Ranchi (*Umesh Turi, aged about 41 years, S/o Late Sanicharwa, resident of at-Kedla, P.O. Kedla, P.S.-*

Mandu, District – Ramgarh, Jharkhand vs. Central Coalfields Limited through its Chairman-cum-Managing Director, having its office at Darbhanga House, Ranchi, P.O.- GPO, P.S. Kotwali, District-Ranchi & Ors.) and of this Hon'ble High Court reported in 2025 SCC OnLine Cal 2227 (*Jagabandhu Das vs. Eastern Coal Fields Limited & Ors.*) relate to matters where on the date of the application the petitioner was assessed as touching the overage limit, on account whereof the petitioner was given a further opportunity for absolute clarification of his age.

9. In this matter, the petitioner was well beyond the age of 35 years on the date of making the application (37 years as he was born in 1982). Accordingly, the question of directing the respondent authorities to make a further investigation of his age by a Medical Board or by process of ossification test does not arise.

10. In view of the aforestated, the petitioner is clearly overaged and his application cannot be entertained at this time.

11. Hence, the writ petition fails and is accordingly dismissed.

12. In view of dismissal of the main application, connected application being CAN 1 of 2026 is disposed of.

13. There will be no order as to costs.

14. Urgent photostat certified copy of the order, if applied for, be given to the parties upon usual undertakings.

(Reetobroto Kumar Mitra, J.)