

Court No. - 10

Case :- WRIT - C No. - 33374 of 2023

Petitioner :- Manish Kumar Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Amar Nath Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra,J.

1. Heard Shri Amar Nath Pandey, learned counsel for the petitioner, Shri Jitendra Singh, learned Additional Chief Standing Counsel for respondent nos.1, 2 and 3 and perused the record.

2. The petitioner filed certain applications before the respondent No.2 seeking correction in the Date of Birth recorded in the High School Marksheet and Certificate. When no order was passed by the Board, the petitioner filed writ petition which was disposed off with certain directions, whereafter, by a detailed order dated 22.11.2021, the petitioner's claim was rejected on merits in view of the concerned Regulations and also considering the documents produced by the petitioner.

3. The petitioner challenged the order dated 22.11.2021 by filing Writ C No.912 of 2022 (Manish Kumar Singh v. State of U.P. And 3 Others) which was consigned to records by the following order dated 02.03.2022:-

"Heard.

Learned Standing Counsel submits that he has obtained instructions in the matter, which are taken on record.

By means of present writ petition filed under Article 226 of the Constitution, petitioner has challenged the order dated

22.11.2021 whereby concerned officer, Madhyamik Siksha Parishad, Regional Office, Varanasi has rejected the claim of the petitioner only on the ground that petitioner did not submit any application alongwith requisite documents for necessary correction in the records. This order has been passed in compliance of order of writ court earlier filed by the petitioner.

Learned Standing Counsel has obtained instructions in the matter and as per instructions, the petitioner never approached the authority alongwith requisite document for getting necessary correction made in the High School records of the U.P. Board of High School Intermediate, Allahabad.

In view of above, the Court is of the considered view that the order impugned passed by the Madhyamik Siksha Parishaed cannot be faulted with. Even otherwise I do not find any document in this petition which may bear service of the representation application of the petitioner alongwith original records in compliance of the order of Writ Court dated 25.08.2021.

Accordingly I do not find any good ground to interfere in this petition. However, liberty always rests with the petitioner to approach the authority strictly in accordance with law.

This petition is consigned to records subject to aforesaid observations. "

4. This Court clearly observed that since the petitioner has failed to

produce the relevant documents before the Board, the order passed by the Board could not be faulted with. However, liberty was granted to the petitioner to approach the Authority strictly in accordance with law.

5. It is contended that when the petitioner again approached the Board, by the order impugned dated 05.01.2023, his request has been rejected by referring to the previous order dated 22.11.2021.

6. This writ petition has been reported to be beyond time by 169 days, however, ignoring delay/laches, I find that the respondent no.2 has not only referred to the previous order dated 22.11.2021 which has already been upheld by this Court by order dated 02.03.2022, even if it is accepted that the liberty granted by this Court was availed by the petitioner, I find that clear finding has been recorded by the respondent no.2 that the petitioner alongwith his two representations dated 21.11.2022 and 22.11.2022 has not produced any new fact or evidence.

7. Learned counsel for the petitioner submits that the petitioner had produced certain documents and no such representations were moved by him. There is no pleading to the effect that the observations recorded in the order are perverse or that the petitioner had never filed the aforesaid representations.

8. The entire record appended to the writ petition and in view of the finality attached to the earlier order of the Board up to this Court, I do not find any error in the order impugned.

9. The writ petition lacks merit and is, accordingly, **dismissed**.

Order Date :- 27.10.2023
Jyotsana