

Court No. - 5

Case :- WRIT - C No. - 42407 of 2023

Petitioner :- Chiranji Lal

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

Counsel for Petitioner :- Prabhakar Awasthi, Krishna Dev Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Piyush Agrawal, J.

Heard Shri Krishna Dev Mishra, along with Shri Prabhakar Awasthi, learned counsel for the petitioner and learned Standing Counsel for the State - respondents.

Learned counsel for the petitioner submits that the petitioner has qualified the High School examination and a certificate was issued on 16.09.1982. Thereafter, he moved an application for correcting his date-of-birth from "26.03.1962" to "26.03.1967" and again, on 22.09.2023, the petitioner made an application for correction of his date-of-birth, but no order has yet been passed thereon.

Rebutting the said submission, learned Standing Counsel submits that the said application is barred by time in view of Chapter III, Regulation 7 of the Intermediate Education Act.

With the consent of learned counsel for the parties, this writ petition is being finally disposed of at this stage without calling for a counter affidavit.

On perusal of Annexure No. 5 to the writ petition, it transpires that a certificate has been issued on 09.01.1988 by the Institution with regard to the date-of-birth of the petitioner and the petitioner moved an application on 22.09.2023 through the Principal of the Institution, which is still pending before the respondent no. 3.

Considering the facts and circumstances of the case, without entering into the merits of the case, this writ petition is disposed of with a direction to the respondent no. 3 to decide the petitioner's aforesaid application, in accordance with law, expeditiously, preferably, within a period of three months from the date of presentation of a certified copy of this order, if there is no legal impediment.

The petitioner is also granted liberty to file a fresh application along with all relevant documents within a period of one week from today.

It is made clear that the Court has not adjudicated the claim of the petitioner on merits.

Order Date :- 15.12.2023

Amit Mishra