

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.13324 of 2007

ORDER:

The petitioner seeks correction of his date of birth in terms of the decree passed in O.S.No.93 of 1982 on the file of the Munsif Magistrate, Mangalagiri, Guntur District.

In his order dated 25.04.2007, the District Educational Officer referred to G.O.Ms.No.383 dated 16.11.1983 that alteration of the date of birth, pursuant to any orders passed by the Court, should not be taken into consideration in derogation of the rules; the Government had issued instructions, from time to time, regarding alteration of the date of birth in school and other records; and the request of the petitioner, for alteration of his date of birth as 31.08.1950 instead of 15.06.1949, could not be considered as the decree was passed in the year 1983, 34 years ago.

Seeking implementation of the decree passed in 1983, the petitioner invoked the jurisdiction of this Court 24 years thereafter in the year 2007. Learned Government Pleader for School Education would submit that the petitioner filed the Writ Petition just a few months prior to his retirement. No explanation is forth-coming for the inordinate delay and laches in invoking the jurisdiction of this Court.

Sri B.Venkatadri, Learned Counsel for the petitioner, would submit that the petitioner cannot be said to have approached this Court belatedly, as he had made several representations to the Government for alteration of his date of birth. The mere fact that the petitioner had submitted representations to the Government would not justify his failure to invoke the Writ jurisdiction of this Court for the past more than two decades, after the decree was passed. I see no

reason, therefore, to now direct the respondents to alter his date of birth.

Sri B.Venkatadri, Learned Counsel for the petitioner, would submit that the petitioner's pensionary benefits have also not been released so far. In case the pensionary benefits, which the petitioner is entitled to, have not been released, the respondents shall release the pensionary benefits at the earliest, and in any event within four months from the date of receipt of a copy of this order.

Subject to the above observations, the Writ Petition fails and is, accordingly, dismissed. The Miscellaneous Petitions pending, if any, shall also stand dismissed. No order as to costs.

Date:09.12.2016.

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RAMESH RANGANATHAN, ACJ.

