

W.P. No.2376 OF 2009

The petitioner challenges letter No.P1/255(1)/08-KKD of the respondent. The impugned letter reads as follows:

Office of the Depot Manager,
KAKINADA:: DATE.12.11.2008

Sub: ESTABLISHMENT-Alteration of Date of Birth entered in Service Records of Sri S.Ganga Rao, E.63817, Mechanic of Kakinada Depot-Reg.

Sd/-
Depot Manager
APSRTC, Kakinada”

Learned counsel Mr.Razzaq places strong reliance upon the decisions in **Cidco v. Vasudha Gorakhnath Mandevlekar**^[1] and **Bharat Cooking Coal Limited v. Chhota Birsra Uranw**^[2] and contends that the date of birth of petitioner shall be accepted as 21.07.1956 and accordingly appropriate orders are passed for continuation of service,

I have taken note of the submissions and material available on record. Now the point for consideration is whether the petitioner is entitled for consideration of his date of birth as 21.07.1956 or not?

The petitioner relies upon the transfer certificate issued by Head Master, Sri Ramareddy Parishad High School, Anaparthi. It is not in dispute that the petitioner did not and could not produce the birth certificate issued by

the competent authority under the Births and Deaths Registration Act, 1953. According to petitioner, there is no basis for entry of his date of birth as 21.05.1952. On the other hand, learned standing counsel contends that the petitioner having accepted the date of birth as 21.05.1952 is employed in the corporation. Petitioner wants his date of birth to be corrected from 21.05.1952 to 21.07.1956. According to learned standing counsel, there is hardly any material on which this Court can consider pleas of petitioner.

The petitioner admittedly relies upon the transfer certificate. There is no presumption or for the limited extent of noting the date of birth of petitioner any presumption can be attached by this Court. The petitioner as it appears from the sequence of dates has accepted as 1952 and he was appointed in the corporation when he was 24 years old. If the date of birth is accepted as 21.07.1956, the petitioner was aged 20 years and it would not be clear how long the petitioner worked in a Bus nationalised by the corporation. I have no difficulty in presuming that petitioner while securing appointment in corporation as a displaced employee in a nationalised route, accepted his date of birth as 21.05.1952 as it would be in conformity with other assertions of petitioner for appointment as a displaced person. The circulars provide that once date of birth upon medical examination is determined, the corporation cannot as a matter of course alter the date of birth already entered in the service record. There is no material on which this Court can accept the contention of the petitioner that his date of birth is 21.07.1956. I do not see illegality or irregularity in the letter impugned in the writ petition. It is well settled that belated representations for correction of date of birth without conclusive proof ought not to be entertained by the management.

For the above reasons, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:15.02.2016p
Stp

^[1] (2009) 7 SCC 283
^[2] (2014) 12 SCC 570