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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CONTEMPT CASE No.1317 of 2015

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ORDER:

This Contempt Case was filed alleging non-implementation of the order passed by this Court in W.P.No.3387/2015 dated 20.04.2015.

This Court passed an order in relation to the dispute with regard to the Date of Birth and ultimately disposed of the said writ petition with the following observations:

“So far as this issue is concerned, the claim of the petitioner is based upon a study certificate said to have been obtained by the petitioner as long back as on 10-11-1988. The criticism of the learned Standing Counsel that such a certificate has never been produced before the authorities of the Corporation by the petitioner cannot be brushed aside lightly. Therefore, it is open to the petitioner to persuade the Corporation to treat his date of birth as 01-02-1958 and it shall be open to the Corporation to have the study certificate produced by the petitioner verified from the school concerned and take an appropriate decision in the matter and communicate the decision taken thereon to the petitioner.”

After disposal of the writ petition, the petitioner was asked to submit the study certificate and he submitted the same. The study certificate was verified by the respondent corporation and it was found to be genuine, however, the respondent corporation passed an order on 10.02.2016 with the following observations:

“In compliance with the orders of the Hon'ble High Court dated 22.04.2015 in W.P. No.3387/2015, the petitioner was continued in employment based upon the original Date of Birth entry found in his service record i.e. 01.07.57. The Certificate produced by him was also verified and the Certificate was found to be genuine. But

in view of the Regulation 19 of APSRTC Service Regulation, no authority in the Corporation is vested with the powers to alter the date of birth of an employee to the employee's advantage. Had the petitioner produced his Certificate at the time of recruitment, his Date of Birth would have been recorded as 01.02.1958. The Regulations also stipulate that the declaration of Date of Birth made by the employee shall not differ from any declaration, express or implied, made by him for any public purpose before entering service. The petitioner himself declared his date of Birth as 04.12.1960 to the Transport Authorities for obtaining Driving License and he filed Writ Petition seeking alteration of his Date of Birth as 04.12.1960, based on his declaration made to the Transport Authorities. Subsequently he changed his version and produced his School Certificate after filing Writ Petition."

In view of the above, this Contempt Case cannot be continued, and accordingly closed. No order as to costs.

However, it is open to the petitioner to challenge the said order dated 10.02.2016, if the petitioner is aggrieved.

Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

15.07.2016

MVA