

THE HON'BLE SRI JUSTICE A.V. SESA SAI

W.P.No.13123 of 2010

ORDER:

The grievance of the petitioner in the present writ petition is non-issuance of the corrigendum to the date of birth recorded in the HSSLC Register in accordance with the *bona fide* date of birth certificate issued by the local body.

2. Heard Sri K.V.V.S.N.Prasad, learned counsel for the petitioner and the learned Government Pleader for Social Welfare for the respondents.

3. According to the petitioner, he passed HSSLC in the year 1970 through main stream from D.M. Higher Secondary School, Rajahmundry and at the time of admission into the elementary school his date of birth was recorded as 13.08.2013. It is further stated that after completion of his education, when the petitioner herein came to know that the actual date of birth was not recorded, he approached the local municipal authorities with a request to issue date of birth certificate and the local body/municipality issued a certificate on 08.11.1989, certifying his date of birth as 13.11.1954. After obtaining the said certificate, according to the petitioner, he requested the SSC Board on 22.11.1989 for change of date of birth in the date of birth register and no action has been taken and subsequently he submitted a representation on 09.02.2010 to the 2nd respondent and according to the petitioner the same also did not yield any result. In the above background, the present writ petition came to be filed.

4. A counter affidavit is filed on behalf of the respondents resisting the claim of the writ petitioner while stating that in view of the orders of the State Government vide G.O.Ms.No.430, Education (EE.I) Department, dated 31.12.1992, the 2nd respondent herein is not empowered to carry out any alteration to the date of birth.

5. In the above backdrop, now the issue that arises for consideration of this Court is_ "Whether the petitioner is entitled for any relief from this Court under Article 226 of the Constitution of India?."

6. The State Government framed the Rules for correction of the date of birth in the completed Secondary School Certificates, Higher Secondary Certificates and Higher Secondary and Multipurpose School Leaving Certificates, notified vide G.O.Ms.No.1263, Education Department, dated 06.05.1961. By way of G.O.Ms.No.430, Education (EE.I) Department, dated 31.12.1992, the State Government brought in amendment to Rule 11 of the said Rules and the said amended Rule reads as under:

“The Director of School Education is empowered to entertain and effect corrections or alterations in respect of the applications for correction or Alteration of the Date of Birth in completed SSLC/HSC/H.S.(M)C/SSC. However, no application for such correction/Alteration of Date of Birth in the said completed certificates shall be entertained after a period of three years from the date of completion of the said course.”

7. A reading of the above provision of law makes it abundantly clear that the Director of School Education is empowered to entertain and effect corrections or alteration for date of birth only within a period of three years from the date of completion of the Course. In the instant case, the petitioner herein passed the SSLC in the year 1970. Therefore, no direction can be issued to the respondent herein to effect the correction of date of birth.

8. For the aforesaid reasons, the writ petition is dismissed. However, it open for the petitioner herein to avail the alternative remedy, if any, available, in accordance with law. As a sequel, miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V. SESA SAI, J

Date:05.7.2016

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Dated 05th July, 2016

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