

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SMT JUSTICE ANIS

WRIT PETITION No. 23737 of 2016

-

ORDER: (*Per VRS,J*)

The petitioner, whose application for admission to the professional medical courses for the current academic year, was not considered, on the ground that he was under-aged, has come up with the above writ petition seeking a Mandamus to direct the respondents to accept his altered date of birth.

2. Heard Smt. Kavitha Gottipati, learned counsel for the petitioner, learned Government Pleader for Medical and Health appearing for the 1st respondent, Mr. Taddi Nageswara Rao, learned standing counsel for the 2nd respondent University, and Mr. T. Rajasheker Rao, learned standing counsel for the 3rd respondent University.

3. It appears that the date of birth of the petitioner was indicated in the school records as 22.11.2000. But, way back in January, 2003, the petitioner's father appears to

have secured necessary entries in the relevant records to the effect that the date of birth of the petitioner was 15.06.1998.

4. However, contrary to the register of births and deaths maintained under the Registration of Births and Deaths Act, 1969, the date of birth of the petitioner was entered in the Secondary School Leaving Certificate as 22.11.2000. Therefore, the respondents have treated the petitioner as under-aged for admission to medical courses for the current year.

5. This is not a case of a student seeking alteration of date of birth, after appearing for 10th standard examination or 12th standard examination. This is a case where the date of birth of the student was entered as 15.06.1998, way back on 11.03.2003, by the competent authority, namely, the Executive Officer Grade-I, Chillakallu Panchayat. The birth certificate issued under Section 12 of the Act in Form No.5, confirms the same.

6. In other words, long before the petitioner appeared for the 10th standard examination in March, 2014, the date of birth entered in the official record was 15.06.1998. In

such circumstances, the Secondary School Leaving Certificate, which reflected a wrong date of birth, had to be corrected by the Board of Secondary Education. The Board of Secondary Education has already made corrections, on the basis of the entry in the Birth Register. In such circumstances, the 2nd and 3rd respondents cannot go on, on the basis of the original 10th standard record. Hence, the Writ Petition is allowed, directing the respondents to accept the date of birth of the petitioner as 15.06.1998 and proceed further, in accordance with law.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand closed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J

ANIS, J.

21st July, 2016

Note: Furnish C.C. today.

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