

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.21664 OF 2011

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a writ or direction more particularly in the nature of writ of mandamus declaring the action of the respondents in not considering the case of the petitioner for correction of petitioner’s father’s name as Raghunadh in the place of Venkaiah (grand father) and the date of birth as 25.6.1989 in the place of 20.7.1989 as illegal, arbitrary, highhanded and cannot be justified in the eye of law and consequently direct the respondents to correct the father’s name of the petitioner as Raghunadh in the place of Venkaiah (grand father) and the date of birth as 25.6.1989 in the place of 20.7.1989 and issue SSC Certificate in the interest of justice.”

2. Case of the petitioner is that he was born deaf and dumb and he was taken care of and brought up by his paternal grandparents. His paternal grandfather – Venkaiah admitted him in respondent No.4 school. While admitting in the school, his grandfather wrote his name as a guardian and signed in the admission form and the date of birth of the petitioner was wrongly mentioned as 20.07.1989 instead of 25.6.1989. Later, in the S.S.C pass certificate, the father of the petitioner was wrongly mentioned as “Venkaiah” instead of “Raghunadh” and the date of birth of the petitioner was wrongly mentioned as “20.07.1989” instead of “25.6.1989”. So, the petitioner approached the respondents number of times but in vain. Hence, he filed the present writ petition.

3. Heard and perused the material available on record.

4. Learned Government Pleader for Education submitted that if at all any person wants to change his/her date of birth in the certificates, the said person shall make an application before the authorities concerned within a period of three (3) years from the date of completion of his/her educational course, but the petitioner herein has not made such an application within three years from the date of receipt of his S.S.C pass certificate.

5. Even though the petitioner has placed some material to show that he has made an application before the authorities concerned within a period of three years from the date of receipt of the S.S.C. pass certificate, the said material does not disclose that the said application was received by the said authorities. Hence, this Court is of the view that such a direction cannot be given to the respondents herein. However, the petitioner can approach the competent civil Court for declaration of his correct date of birth and communicate the said order to the authorities for making necessary corrections. Insofar as the change of the name of the father of the petitioner in the S.S.C. pass certificate is concerned, it is left open to the petitioner to make a publication in the Official Gazette and on such publication, he can claim his right to enter the name of his father as "B.Raghunadh" in the place of "Venkaiah" in the said certificate.

6. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

Date : 03.08.2017
AMD



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