

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Appeal No.1446 of 2014

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

Neither is Smt. K.S.G. Padmavathi, learned counsel for the 1st respondent-writ petitioner, present nor is there any representation on her behalf. Heard the learned Government Pleader for School Education appearing on behalf of the appellants.

This appeal, under Clause 15 of the Letters Patent, is preferred against the order of the learned Single Judge in W.P. No. 26503 of 2014 dated 17.9.2014. The 1st respondent-writ petitioner passed his S.S.C. (Secondary School Certificate) examination conducted in March, 2008 after undergoing a course at the Vignan Vidyalayam High School, Visakhapatnam. The 1st respondent-writ petitioner secured 'A' Grade in the examination, and his date of birth was recorded in the Secondary School Certificate as 24.10.1993. The 1st respondent-writ petitioner claimed that he was born on 24.8.1993, and an entry in this regard was also recorded in the register of births and deaths maintained by the Municipal Corporation; an error had crept in the Secondary School Certificate with regard to the month of birth of the 1st respondent-writ petitioner; and, instead of 24.8.1993, it was recorded as 24.10.1993. The 1st respondent-writ petitioner's request for correction was rejected by the Director of Government Examinations on the ground that the three year period, prescribed for correction of date of birth, has already expired from the date of the S.S.C. examinations conducted in the year 2008.

The learned Single Judge has, in the order under appeal, held that it was the career of a student which was at stake; the student had passed the examination in March, 2008 when he was hardly 15 years old; if he had failed to notice the discrepancy, with regard to his date of birth, he should not be faulted; even otherwise, interests of justice would be served by directing the Director of Government Examinations to carry out the correction in the S.S.C. Certificate of the 1st respondent-writ petitioner, by recording his date of birth as 24.8.1993 instead of 24.10.1993; and thereby the 1st respondent-writ petitioner was going to be older by two months, and he may not gain any substantial benefit therefrom. The learned Single Judge noted that granting the relief may work against the 1st respondent-writ petitioner's own interests at a later point of time. The writ petition was ordered directing the respondents to carry out the necessary corrections in the S.S.C. Certificate, and furnish a corrected/amended certificate at the earliest. Aggrieved, thereby the present appeal. By order in W.A.M.P. No. 3543 of 2014 dated 4.12.2014 interim suspension of the order of the learned Single Judge was granted. The interim order continues to remain in force.

While the relief sought for in the writ petition does appear innocuous, and the correction is for an upward revision of the date of birth of only two months, the fact remains that the instructions issued by the Government enables correction of the date of birth only if a request is made in this regard within three years. While the circular may operate harshly for some, this Court, in proceedings under Article 226 of the Constitution of India, would not substitute its views for that of the Government or direct a

change in the date of birth of the 1st respondent-writ petitioner. The instructions of the Government, that applications for correction of date of birth, should be made within three years applies to all those who seek correction of the date of birth; and this Court would not, in the exercise of its powers of judicial review, be justified in exempting any person from the rigor of these instructions.

We are satisfied therefore, that the order under appeal necessitates being set aside. The writ appeal is allowed and the order under appeal is, accordingly, set aside. In the circumstances, without costs. Miscellaneous Petitions pending, if any, shall also stand disposed of.

(RAMESH RANGANATHAN, ACJ)

(Dr. SHAMEEM AKTHER, J)

21st April, 2017

pnb



THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER



Writ Appeal No.1446 of 2014

Date: 21.4.2017

pnb

