

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.7713 OF 2017

DATED : 06.03.2017

Between :

Gurrula Srinivas Rao S/o.G.V.Narsaiah,
Age 54 yrs, Occu :School Assistant, Z.P.H.S,
Chimmapudi Village, Raghunadhapalem Mandal,
Khammam District, R/o.H.No.7-4-74,
Pakabanda Road, Khammam District.

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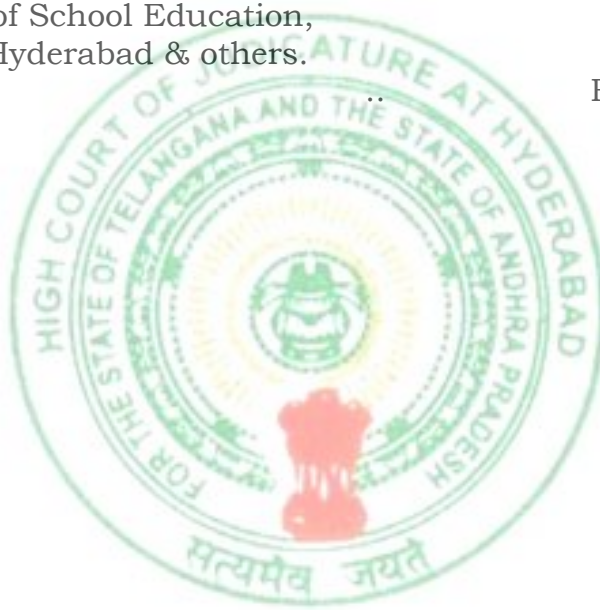
Petitioner

And

The State of Telangana,
Rep., by its Secretary,
Department of School Education,
Secretariat, Hyderabad & others.

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Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

Petitioner joined service initially on temporary basis on 21.07.1989 as Special Teacher in Gram Panchayat Primary School. Later his services were regularized on 01.01.1991. At the time of entry into service, petitioner's date of birth was recorded as 02.08.1959. It appears petitioner instituted O.S.No.1193 of 1987 on the file of II Additional District Munsif, Khammam, contending that his date of birth was wrongly recorded in the school records and the same should be corrected and that his actual date of birth is 02.08.1962. The civil Court passed decree on 01.03.1990 declaring the date of birth of petitioner as 02.08.1962, but declined to grant direction for correction of date of birth in the school records. It appears petitioner has been pursuing for correction of date of birth in the school records, but so far the same has not been fructified.

2. This writ petition is filed contending that the date of birth of the petitioner should be corrected in the service record as 02.08.1962 instead of 02.08.1959 in accordance with the decree of the civil Court which has become final. Alleging inaction in correcting the date of birth in accordance with the decree of the civil Court, this writ petition is filed.

3. Learned counsel for the petitioner contended that petitioner has been ventilating his grievance with the school authorities for correction of date of birth, but the same has not been granted for

the reasons best known to them. He has also been requesting the competent authority to correct the date of birth in the service record, but no decision is taken and having waited for considerable time and since he is fast approaching the age of retirement as per the date of birth recorded in service record, he is compelled to institute this writ petition.

4. The entry of date of birth in the service record of a government servant is regulated by The A.P. Public Employment (Recording and Alteration of Date of Birth) Rules, 1984, (for short 'the Rules') notified vide G.O.Ms.No.165 Finance & Planning dated 21.04.1984. Rule 2(A) mandates that no application for correction of date of birth shall be entertained basing on a decree passed by the civil Court.

5. Thus, once the date of birth is declared while entering into the service, correction of date of birth is not allowed and it cannot be allowed based on the decree passed by the civil Court. Rule 2(A) of the Rules is not under challenge. Thus, the claim made by the petitioner is clearly barred by the provisions in Rule 2(A) of the Rules.

6. Further more, it is settled principle of law as held in ***Burn Standard Co.Ltd., and others Vs Dinabandhu Majumdar and others¹, Secretary and Commissioner, Home Department and others Vs R. Kirubakaran² and State of Gujarat and others Vs Vali Mohd. Dosabhai Sindhi³***, that claim for alteration of date of birth cannot be made at the fag end of service and such claim

¹ (1995) 4 SCC 172

² (1994) Supp (1) SCC 155

³ (2006) 6 SCC 537

cannot be viewed in isolation. Admittedly, petitioner is due for retirement in August, 2017 on attaining the age of 58 years as per the date of birth originally recorded. Thus, the claim for correction of date of birth cannot be acceded to, at this distance of time and just before his retirement, as it would have deleterious effect on the service as well as other employees and on the employer. Thus, no relief as sought for can be granted and the writ petition is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, pending if any, in this writ petition shall stand closed.

6th March, 2017
Rds

P.NAVEEN RAO,J

