

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25641 OF 2005

ORDER:

This writ petition is filed seeking a writ of *Mandamus* directing the respondents to alter the date of birth of the petitioner from 6.3.1962 to 26.3.1967, and thereby the petitioner's original date of birth dated 26.3.1967, may be incorporated in the places mentioned in the concerned and relevant records of the petitioner.

Heard Sri Brahmadandi Ramesh, learned counsel for the petitioner and learned Standing Counsel for the respondents 2 and 3.

The petitioner had contended that his actual date of birth is 26.3.1967, but his date of birth was inadvertently entered in the service register maintained by the respondents 2 and 3 as 6.3.1962. The grievance of the petitioner is that he was initially appointed as a Line Man in the year 2002 and immediately he has submitted a representation seeking correction of his date of birth from 6.3.1962 to 26.3.1967, but the respondents 2 and 3 have advised the petitioner to get a favourable order from the competent Court. Thereafter, the petitioner approached the Judicial Magistrate of the First Class, Husanabad, Karimnagar District, seeking alteration of his date of birth. Then the Judicial Magistrate of the First Class, has not entertained the said application. In those set of facts, the petitioner had approached the Mahatma Gandhi Memorial Hospital to undergo radiology tests for determination of date of birth. The petitioner vehemently contends that his elder brother's date of birth is 20.8.1962. If any one goes through both the petitioner and his elder brother's date of

birth, it would be clear that the date of birth of the petitioner recorded in service register is not correct.

This Court, having considered the revival contentions made by both parties, is of the view that when the petitioner is seeking a writ of *Mandamus*, first there should be a demand for his legal right to be enforced and there should be a rejection by the respondents 2 and 3. Admittedly the respondents have not entertained the representation of the petitioner. At best, this Court can give a direction to the respondents to receive the representation seeking alternation of the date of birth of the petitioner, but this Court cannot give any *Mandamus* directing the respondents 2 and 3 to correct the date of birth of the petitioner as 26.3.1967 from 6.3.1962.

Accordingly, the writ petition is disposed of directing the petitioner to submit a representation to the respondents 2 and 3 afresh seeking redressal of his grievance within a period of two weeks from today and upon such representation being submitted by the petitioner, the respondents shall consider and pass appropriate orders thereon within a period of four weeks thereafter. No order as to costs.

As a sequel to disposal of the writ petition, Miscellaneous Petitions, if any pending, shall also stand closed.

ABHINAND KUMAR SHAVILI,J

Date:18.09.2018.
Gk.

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