

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26917 of 2019

ORDER:

Heard Sri M.Achuta Reddy, learned counsel for the petitioner and the learned Government Pleader for Services-I. With the consent of learned counsel for the respective parties, this Writ Petition is being disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus declaring the inaction of District Educational Officer, Mahbubnagar i.e. 3rd respondent in disposal of representation of petitioner dated 14.08.2019 for correction of date of birth of petitioner as 15.06.1965 as illegal, arbitrary and violative of Art.14 & 21 of the Constitution of India consequently direct the respondents to continue the petitioner in service till disposal of representation and correction of date of birth and pass such other order/orders.....”

It has been contended by the petitioner that he has been appointed as Secondary Grade Teacher (SGT) during March 1992 and at the time of appointment, his date of birth was entered incorrectly in the service register as 25.09.1961 whereas his actual date of birth is 15.06.1965. The petitioner further contends that recently when he got enquired about the bonafide certificate of his elder brother, he came to know that his brother's date of birth is 08.10.1961 who is 4 ½ years elder than him and comparatively his date of birth should be 15.06.1965 but not

25.09.1961. Having realised the same, on 14.08.2019, he made a representation to the 3rd respondent for correction of his date of birth as 15.06.1965 in the service register instead of 25.09.1961. But the 3rd respondent neither passed any orders on the said representation nor corrected his date of birth in the service register.

Learned counsel for the petitioner contends that pending the representation submitted by the petitioner on 14.08.2019 for correction of his date of birth, with the 3rd respondent, the petitioner has retired from service on 30.09.2019. He further contends that the action of the 3rd respondent in not passing any orders on the representation submitted by the petitioner on 14.08.2019 seeking correction of his date of birth as 15.06.1965 in the service register is illegal and sought a direction to the 3rd respondent to correct the date of birth of the petitioner as 15.06.1965 in the service register and basing on the same, he seeks a further direction to continue the petitioner in service till he attains the age of superannuation by reinstating the petitioner into service.

Learned Government Pleader appearing for the respondents contends that petitioner has approached this Court only when he realised that his actual date of birth is 15.06.1965 but not 25.09.1961, that too in the month of August, 2019 i.e., just before one month of his retirement. As per the settled law, any request of an employee seeking

correction of his date of birth at the fag end of his service cannot be entertained. Hence there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that admittedly petitioner was appointed as SGT in the year 1991 and no efforts were being made by the petitioner for correction of his date of birth during his entire career either in his school records or in the service register and at the fag end of his service, that too one month before his retirement, petitioner had approached this Court. Therefore, this Court is not inclined to interfere with the writ petition and the same is accordingly dismissed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 05-12-2019
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