

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 37433 OF 2021

Between:

Syed Fareed Uddin Ahmed Quadri, S/o Syed Shafi uddin Ahmed Quadri, Aged about 49 years, Occ. Business, R/o. H.No. 8-1-523//C/6, Brindavan Colony, Tolichowki, Golconda, Hyderabad - 500008, Telangana.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, School Education Department, Secretariat Buildings, Hyderabad, Telangana.
2. Telangana State Open School Society, Rep. By its Director, 3rd Floor, Opp. L. B Stadium E Gate S.C.E.R.T Campus, Basheerbagh, Hyderabad – 500001.
3. The District Co-ordinator, TOSS, C.No. 232501, ZPHS B, Shadnagar Ranga Reddy District, Telangana.

...RESPONDENTS

Petition Under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to Issue Writ, Order or direction more particularly one in the nature WRIT OF MANDAMUS declaring the action of the Respondent No. 2 in issuing proceeding bearing Rc.No.1569/C2/TOSS/JULY/2021, Dt. 09-12-2021, refusing to correct the date of birth from 25.08.2005 to 19.08.2005 in the Secondary School Certificate (TOSS), dated. 17-08-2020 of petitioner's daughter namely Fakiya Qaudri having admission no.19232501067, Hall Ticket No. 2023110108-1, as arbitrary, without application of mind and illegal.

IA NO: 1 OF 2021

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No. 2 to forthwith correct the date of birth from 25.08.2005 to 19.08.2005 in the Secondary School Certificate (TOSS), dated. 17-08-2020 of petitioners daughter namely Fakiya Qaudri having admission no.19232501067, Hall Ticket No. 2023110108-1, pending disposal of the writ petition.

Counsel for the Petitioner : SRI.MOHD ISLAMUDDIN ANSARI

Counsel for the Respondent Nos.1 & 2 : SMT.C.VANI REDDY

GP FOR SCHOOL EDUCATION (TG)

Counsel for the Respondent No.3 : NONE APPEARED

The Court made the following ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.37433 of 2021

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, wherein, the following prayer is made.

"...to issue Writ, Order or Direction, more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondent No.2 in issuing proceedings bearing Rc.No.1569/C2/TOSS/JULY/2021, dt.09-12-2021, refusing to correct the date of birth from 25.08.2005 to 19.08.2005 in the Secondary School Certificate (TOSS) dated: 17-08-2020 of petitioner's daughter namely Fakiya Quadri having admission no.19232501067, Hall Ticket No.2023110108-1, as arbitrary, without application of mind and illegal and to pass such other order/s..."

2) Heard the learned counsel for the petitioner, Smt.C.Vani Reddy, learned Government Pleader for School Education appearing for respondent Nos.1 and 2 and perused the record.

3) The learned counsel for the petitioner would submit that even though in 'Appendix-A-Application form for Admission to SSC, Telangana State Open School (TOSS), Hyderabad', the daughter of the petitioner, namely Fakiya Quadri, entered her date of birth as 19.08.2005, the respondent No.2 wrongly mentioned her date of birth as 25.08.2005 in Secondary School Certificate (TOSS) dated 17.08.2020, by looking at the date of registration mentioned in the birth certificate of Fakiya Quadri. It is further submitted that the photocopy of birth certificate of Fakiya Quadri filed by the petitioner clearly demonstrates that the date of birth

of Fakiya Quadri is 19.08.2005 and ultimately prayed to allow the writ petition as prayed for.

4) On the other hand, Smt. C.Vani Reddy, learned Government Pleader for School Education, filed counter affidavit of respondent No.2 and submitted that in Appendix-A application form for admission to SSC, TOSS, Hyderabad as well as in online application, Fakiya Quadri, daughter of the petitioner, entered her date of birth as 25.08.2005 and therefore, the authorities concerned have mentioned the date of birth of Fakiya Quadri in her Secondary School Certificate (TOSS), as 25.08.2005. There is no mistake on the part of the respondents in entering the date of birth of the Fakiya Quadri in her Secondary School Certificate. In fact, the mistake was on the part of the daughter of the petitioner, who has wrongly mentioned her date of birth as 25.08.2005. The petitioner cannot blame the respondents for the mistake on their part. Since the daughter of the petitioner herself has declared her date of birth as 25.08.2005, as per the governing rules, her request cannot be considered and ultimately prayed to dismiss the writ petition.

5) Here, the question that needs determination is as to what is the correct date of birth of Fakiya Quadri, daughter of the petitioner. The petitioner has filed photocopy of birth certificate of his daughter namely Fakiya Quadri, wherein the date of birth of said Fakiya Quadri, is mentioned as 19.08.2005 and it was registered with the authorities concerned on 25.08.2005. The daughter of the petitioner has furnished wrong date of birth i.e,

25.08.2005 to the respondent authorities and she has also given a declaration that her date of birth is 25.08.2005. However, the fact remains that the correct date of birth of the petitioner is 19.08.2005. The daughter of the petitioner, being a young lady, should have her passport and other documents in tune with her correct date of birth i.e, 19.08.2005. The date of birth mentioned in the SSC certificate is the basis for all subsequent certificates. In fact, the date of birth of a person recorded in his/her SSC certificate would be taken as authentic for many purposes. In view of the same, the daughter of the petitioner cannot be deprived of correction in her SSC certificate, since the same will have impact on her career. However, the manner in which it is projected that the respondent authorities have wrongly entered the date of birth of Fakiya Quadri, daughter of the petitioner as 25.08.2005 is deprecable. The petitioner ought not have projected like that. The petitioner should have fairly conceded their mistake and made a request to the authorities as well as to this Court seeking correction of date of birth of Fakiya Quadri. However, in view of the facts and circumstances of the case, this Court deems it just and reasonable to direct the authorities concerned to correct the date of birth of Fakiya Quadri, daughter of the petitioner in her SSC certificate.

6) Accordingly, the respondent No.2 is directed to correct the date of birth of Fakiya Quadri, daughter of the petitioner, in her Secondary School Certificate (TOSS) as '19.08.2005'.

7) This Writ Petition is ordered, accordingly.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. No order as to costs.

SD/- V.KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, School Education Department, Secretariat Buildings, State of Telangana, Hyderabad, Telangana.
2. The Director, Telangana State Open School Society, 3rd Floor, Opp. L. B Stadium E Gate S.C.E.R.T Campus, Basheerbagh, Hyderabad - 500001.
3. The District Co-ordinator, TOSS, C.No. 232501, ZPHS B, Shadnagar Ranga Reddy District, Telangana.
4. Two CCs to GP FOR SCHOOL EDUCATION (TG), High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to Sri.Mohd.Islamuddin Ansari, Advocate [OPUC]
6. One CC to Smt.C.Vani Reddy, Advocate (OPUC)
7. Two CD Copies
8. One spare copy

SA

 SW

HIGH COURT

DATED:31/01/2022



ORDER

WP.No.37433 of 2021

WP IS ORDERED.

17/02

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