IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE FOURTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 739 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order dated. 14-02-2025, Rev.IA.No.1 of 2023 in WP.No. 19266 of 2019. on the file of the High Court.

Between:

A.Yadaiah, S/o. Danaiah, Aged about 58 years, Driver, E.271454 TGSRTC, Midhani Bus Depot, Hyderabad, T.S.

...APPELLANT/PETITIONER IN WP.19266/2019

AND

1. The Telangana State Road Transport Corporation, (earlier APSRTC), Rep. by its Managing Director, Bus Bhavan, Musheerabad, Hyderabad, T.S.
2. The Regional Manager, The Telangana State Road Transport Corporation Hyderabad Region, MGBS, Gowliguda, Hyderabad, TS
3. The Depot Manager, The Telangana State Road Transport Corporation Midhani Bus Depot, Hyderabad, TS

...RESPONDENTS/RESPONDENTS IN WP.No.19266/2019

IA NO: 3 OF 2025

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 grant stay of all further action in pursuance of the Judgment in W.P. No.19266/2019 dt.6-2-2023 and consequential order in I.A. No.1 of 2023 dt.14-2- 2025 pending disposal of the W.A.

Counsel for the Appellant: SRI P.VENKATESWAR RAO
Counsel for the Respondents: SRI R.ANURAG, SC FOR TSRTC

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL No.739 of 2025

JUDGMENT:

Heard Sri P. Venkateshwar Rao, learned counsel for the appellant, Sri R. Anurag, learned Standing Counsel for TSRTC appearing for the respondents and perused the record.

2. The present writ appeal is filed by the writ petitioner aggrieved by the order of the learned Single Judge, dated 06.02.2023 passed in W.P.No.19266 of 2019 and also the order dated 14.02.2025 in Review I.A.No.1 of 2023 filed in the said writ petition. The learned Single Judge held *inter alia* that the appellant/writ petitioner filed the said writ petition after the writ petitioner retired from service; that the documents filed in support of the claim of the writ petitioner were obtained after the writ petitioner entered into service and that for the said reasons he was disentitled from claiming the relief sought for.

3. The learned Single Judge dismissed the above Writ Petition holding *inter alia* that though the proceedings of appointment of the writ petitioner dated 07.03.1992 showed the writ petitioner at Serial No.34 wherein his date of birth was

mentioned as 16.09.1961, the writ petitioner had not taken any steps for correction of his date of birth. The learned Single Judge held that the appointment proceedings were issued in the year 1992 and the writ petitioner despite having knowledge at the time of joining into the service in respect of his date of birth being mentioned as 16.09.1961, failed to take any steps to carry out corrections in his date of birth; and having slept over the matter for more than two decades, he cannot now knock the doors of the Court after retirement from service.

4. The appellant challenges the order of the learned Single Judge *inter alia* on the ground that though the date of birth certificate dated 07.12.1989 issued by the Head Master ZPHS, Gungal, Ranga Reddy District was brought to the notice of the staff to correct the date of birth as 06.05.1966, the same was not examined by the respondent authorities. Further, it is the case of the appellant that the date of birth was tampered as 16.09.1961 from 06.05.1966 without his knowledge.

5. It is settled position of law that for an employee seeking the correction of his date of birth, it is a condition precedent that he must show that the incorrect recording of the date of birth was made due to negligence of some other person or that the same was an obvious clerical error failing which, the relief

should not be granted to him ***(Commissioner of Police v. Bhagwan v. Lahane[1]).***

6. The Hon'ble Supreme Court of India in ***State of M.P. v. Premlal Shrivas***[2] has held as under:

> ***8.*** *It needs to be emphasised that in matters involving correction of date of birth of a government servant, particularly on the eve of his superannuation or at the fag end of his career, the court or the tribunal has to be circumspect, cautious and careful while issuing direction for correction of date of birth, recorded in the service book at the time of entry into any government service. Unless the court or the tribunal is fully satisfied on the basis of the irrefutable proof relating to his date of birth and that such a claim is made in accordance with the procedure prescribed or as per the consistent procedure adopted by the department concerned, as the case may be, and a real injustice has been caused to the person concerned, the court or the tribunal should be loath to issue a direction for correction of the service book. Time and again this Court has expressed the view that if a government servant makes a request for correction of the recorded date of birth after lapse of a long time of his induction into the service, particularly beyond the time fixed by his employer, he cannot claim, as a matter of right, the correction of his date of birth, even if he has good evidence to establish that the recorded date of birth is clearly erroneous. No court or the tribunal can come to the aid of those who sleep over their rights (see Union of India v. Harnam Singh [(1993) 2 SCC 162 : 1993 SCC (L&S) 375 : (1993) 24 ATC 92]).*

7. It is also to be noted that an application for correction of date of birth should not be dealt with keeping in view only the petitioner, as any such direction for correction of the date of birth has a chain reaction, inasmuch as others waiting for years for their respective promotions will be affected because of the correction of the date of birth and many officers who are below

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[1] (1997) 1 SCC 247
[2] (2011) 9 SCC 664

him in seniority waiting for their promotion, may lose the promotion for ever ***(Home Department v. R. Kirubakaran[3])***.

8. It is observed that the document filed as birth certificate to prove the actual date of birth of the appellant issued by the Head Master is found to be on a plain paper, lacking the formal attributes of an official certificate. Further, the said certificate relied upon by the appellant is neither a transfer certificate nor printed on the letterhead of the institution that would ordinarily confer legal validity. The said certificate also does not indicate any date of issuance of the same. Thus, the said document fails to satisfy the requirements of a legally recognized birth certificate. Therefore, it cannot be accorded any evidentiary value or legal sanctity. The application of the appellant for correction of his date of birth also suffers from *laches*.

9. Having regard to the facts and circumstances of the case, the appellant has failed to make out any ground warranting interference of this Court, in the well reasoned order of the learned Single Judge.

10. Therefore, this Court is of the view that the appellant failed to validly substantiate his claim for correction of date of birth within reasonable time and that he cannot be allowed to

[3] 1994 Supp(1) SCC 155

call in question of the well reasoned order of the learned Single Judge. The Writ Appeal lacks merit and is liable to be dismissed.

11. Accordingly, the Writ Appeal is dismissed. No order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

SD K.SREERAMA MURTHY
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI P.VENKATESWAR RAO, Advocate [OPUC]
2. One CC to SRI R.ANURAG, SC FOR TSRTC [OPUC]
3. Two CD Copies

PSK.
LS

HIGH COURT

DATED:14/08/2025

JUDGMENT

WA.No.739 of 2025



DISMISSING THE WRIT APPEAL
WITHOUT COSTS

(5)

kpr
18/10/25