



2024:KER:65711

WP(C) NO. 24876 OF 2023

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

FRIDAY, THE 30TH DAY OF AUGUST 2024 / 8TH BHADRA, 1946

WP(C) NO. 24876 OF 2023

PETITIONER:

SOBHA K PAI
AGED 54 YEARS
W/O DINESH .V. PAI, 8/701, 'SREE CKAKKRA',
KOOVAPADAM, KOCHI, PIN - 682002

BY ADVS.
AADITHYAN S.MANNALI
SAJAN MANNALI
SANTHI K.PAI

RESPONDENTS:

- 1 STATE OF KERALA
REPT. BY THE SECRETARY TO THE DEPARTMENT OF
EDUCATION SECRETARIAT, THIRUVANANTHAPURAM, PIN
- 695001
- 2 THE SECRETARY
DEPARTMENT OF EDUCATION, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 3 DISTRICT EDUCATION OFFICER
OFFICE OF DISTRICT EDUCATION OFFICES,
KANAYANOR TALUK, ERNAKULAM, PIN - 682001



2024:KER:65711

WP(C) NO. 24876 OF 2023

2

4 ASSISTANT EDUCATION OFFICER
OFFICE OF THE ASSISTANT EDUCATION OFFICE,
MATTANCHERRY SUB DISTRICT, THAMARAPRAMBHU,
KOCHI, PIN - 682001

BY ADV
ADV NISHA BOSE - SR.GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 30.08.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



2024:KER:65711

WP(C) NO. 24876 OF 2023

3

JUDGMENT

The petitioner is the Headmistress of Thirumala Devaswom Lower Primary School, Mattancherry. The writ petition was submitted by the petitioner seeking the following reliefs:

- "I. To issue a writ of Mandamus, or any other appropriate writ, direction or order directing the 2nd respondent to consider and pass appropriate orders on Ext.P3 representation of the petitioner, which is pending before the said authority, within a period fixed by this hon'ble court*
- II. To grant any other reliefs as prayed for by the petitioner during the course of arguments, and which this hon'ble court deems fit to grant."*

The grievance of the petitioner is regarding the non-consideration of her application for correcting the date of birth. According to the petitioner, she entered in service as UP School Teacher in the year 1992. Later, the petitioner submitted a representation before the Commissioner,



2024:KER:65711

WP(C) NO. 24876 OF 2023

4

Government Examinations, Thiruvananthapuram seeking correction for date of birth of the petitioner in S.S.L.C. by rectifying it as 04.09.1969. Acting upon the representation, Ext.P2 was issued to her, by which correction was carried out by showing the date of birth as 04.09.1969. On the basis of the same, the petitioner submitted Ext.P3 representation before the 2nd respondent seeking correction of date of birth in the service records of the petitioner. As there was inaction in considering the same, the petitioner approached this Court.

2. The learned Government Pleader opposed the prayer sought by the petitioner by pointing out that, the application submitted by the petitioner is beyond the time stipulated by the Government as per G.O(P) No.45/91/P&ARD dated 30.12.1991. As per the said Government Order it has been stipulated that, the application for correction of date of birth has to be submitted by the



2024:KER:65711

WP(C) NO. 24876 OF 2023

5

Government servant within a period of 5 years of his/her entry in service. In this case, the petitioner entered in service in the year 1992 and even the correction of date of birth in the S.S.L.C. certificate was in the year 2003. Therefore, it was pointed out that the same cannot be entertained.

3. After considering all the relevant aspects and hearing the learned Counsels appearing on both sides, I find force in the submission made by the learned Government Pleader in this regard. The Government Order dated 30.12.1991, specifically contemplates that, application for correction of date of birth has to be submitted within a period of five years from the date of entry in service. It is also specifically mentioned that the applications for condonation of delay and for entertainment of applications in relaxation of the conditions regarding the time limit shall be summarily rejected.



2024:KER:65711

WP(C) NO. 24876 OF 2023

6

4. In this writ petition, there is no challenge against the said Government Order. Besides, the learned Government Pleader also brought the attention of this Court to the judgment rendered by this Court in W.A. No.1829/2015, wherein a similar issue was considered and held that the application in such circumstances cannot be entertained. In the light of the proposition of law laid down by a Division Bench of this Court in W.A. No.1829/2015 and also in the light of the procedure and timeline contemplated in the Government Order dated 30.12.1991, I do not find any scope for considering the reliefs sought in this writ petition.

Accordingly, this writ petition is dismissed.

**Sd/ -
ZIYAD RAHMAN A.A.
JUDGE**

SCS



2024:KER:65711

WP(C) NO. 24876 OF 2023

7

APPENDIX OF WP(C) 24876/2023

PETITIONER EXHIBITS

- | | |
|-------------------|--|
| Exhibit P1 | TRUE COPY OF THE REPRESENTATION FILED BEFORE THE COMMISSIONER, GOVERNMENT EXAMINATION, THIRUVANANTHAPURAM DATED 05-01-1999. |
| Exhibit P2 | TRUE COPY OF THE RELEVANT PAGE IN THE SAID SSLC BOOK OF THE PETITIONER, IN WHICH THE CORRECTION OF THE DATE OF BIRTH OF THE PETITIONER. |
| Exhibit P3 | TRUE COPY OF THE REQUEST LETTER, DATED 18/5/2023, SENT TO THE 2ND RESPONDENT BY THE PETITIONER. |
| Exhibit P4 | TRUE COPY OF THE ACKNOWLEDGEMENT LETTER OBTAINED BY THE PETITIONER ALONG WITH THE REQUEST LETTER. |