

**GOVERNMENT OF JAMMU AND KASHMIR  
SCHOOL EDUCATION DEPARTMENT,  
CIVIL SECRETARIAT JAMMU/KASHMIR**

(Legal Section)

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Subject: SWP No: 1607/2016 titled Satya Dev Singh alias Satia Dev V/S State and others.

Government Order No: 491 - Edu of 2016

D a t e d: 13 - 12 - 2016

Whereas, the petitioner was appointed as Teacher on October, 8, 1984 and vide Government Order No. 296-Edu of 1987 dated 23.02.1987 was further appointed as (10+2) Lecturer in the discipline of History through Public Service Commission in the Department; and.

Whereas, the petitioner has approached the Hon'ble High Court by filing SWP No. 1607/2016, titled Satya Dev Singh V/S State and others, with the prayer to issue directions to respondents to incorporate 04.04.1961 as date of birth of petitioner instead of 15.09.1958; and

The Hon'ble High Court vide its order dated 12.08.2016 has observed/ordered as under:-

*"Petitioner in the present writ petition seeks an alteration in his date of birth, as recorded in his service book as also in the school leaving certificate issued by J&K Board of School Education in his favour.*

*Reliance has been placed on SRO-310 dated 29.11.1995, which deals with the issue at hand. It is stated that the application for alteration was filed on 23.02.1996, but no decision has been taken in that regard. Hence the present petition.*

*On a perusal of the above SRO, it appears that alteration is not permitted except in case of a clerical error without the orders of the Government. The said request for alteration has to be made by the concerned Government servant within a period of five years of his/her entry into Government service if it is clearly established that a genuine/bonafide mistake occurred. However, according to the proviso, the Government servant in service on the date of issuance of the notification may make a request for alteration of his/her date of birth, which may be considered by the Government for reasons to be recorded in writing, if an application to this effect is made within a period of six months from the date of issuance of the notification.*

*Learned counsel for the petitioner stated that case of the petitioner falls under Clause (C) of SRO-310 dated 29.11.1995.*

*It is stated that a lot of correspondence has been exchanged between him and the respondents, however, no final order has been passed.*

*K*

*In so far as, the J&K Board of School Education is concerned, it is admitted that the said SRO does not apply, inasmuch as, it is government by its own statutes and regulations, therefore, no direction can be issued to J&K BOSE in regard to the aforementioned SRO.*

*This petition is disposed of at this stage, with a direction to the respondents to determine the eligibility of the petitioner in terms of SRO-310 dated 29.11.1995 and pass final orders, preferably within a period of three months from the date copy of this order is served upon them".*

Whereas, the petitioner produced Matric Certificate before the authority at the time of appointment, wherein, his date of birth is shown as 15.09.1958, and as on date the said date of birth has not been declared wrong by J&K Board of School Education or any court of competent Jurisdiction vis-a-vis the tampering made in the date of birth of the petitioner; and

Whereas, the petitioner has approached the Hon'ble High Court at the fag end of his service career and it is settled position of law that such cases can't be considered at the fag end of the services of a Government employee.

Now, therefore, in compliance to the Hon'ble High Courts direction dated 12.08.2016, passed in SWP No. 1607/2016, the claim of the petitioner has been considered and rejected.

By Order of the Government of Jammu and Kashmir.

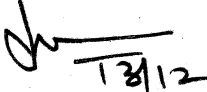
**Sd/-**  
**(Shaleen Kabra)**  
Commissioner/Secretary to Government  
School Education Department

No: Edu/Legal/J/Misc/229/2016

Dated: 13-12-2016

Copy to the:-

1. Director School Education, Jammu for information and necessary action.
2. Sh. Ravinder Gupta, Additional Advocate General, J&K High Court, Jammu for information and necessary action.
3. Pvt. Secretary to Commissioner/Secretary to Government, School Education.
5. Sh. Satya Dev Singh alias Satia Dev S/O Sh. Jagdev Singh R/O Village Samthi Tehsil and District Doda.
6. Govt. Order file (w.3.s.c)
7. Stock file

  
**( Sanjay Pandita )**  
Under Secretary to Government  
School Education Department