

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 31048 of 2015 (E)

PETITIONER:

R.GEETHA, AGED 57, D/O.RAGHAVAN,
R/AT NAVINAM, SREE NARAYANAPURAM,
VADAKKEVILA.P.O., KOLLAM, PIN-691 010.

BY ADVS.SMT.T.S.MAYA (THIYADIL)
SMT. C.VIJAYA KUMARY

RESPONDENTS:

1. SECRETARY TO GOVERNMENT,
DEPARTMENT OF CO-OPERATION,
GOVT.SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 024.
2. REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.695 001.
3. PRESIDENT, THE KOLLAM CO-OPERATIVE BANK LTD.,
HEAD OFFICE, CHINNAKADA, P.B.NO.130, KOLLAM-691 001.
4. GENERAL MANAGER, THE KOLLAM DISTRICT CO-OPERATIVE
BANK LTD., HEAD OFFICE, CHINNAKKADA, P.B.NO.130,
KOLLAM-691 001.

R1 & R2 BY GOVERNMENT PLEADER SRI.JOSE AEDAIODI
R3 & R4 BY SRI.T.R.HARIKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 31048 of 2015 (E)

PETITIONER'S EXHIBITS:

EXT. P1- THE COPY OF THE BIRTH CERTIFICATE OF THE PETITIONER ISSUED ON 21.8.2015.

EXT. P2- THE COPY OF THE RELEVANT PAGES OF PETITIONER'S SSLC BOOK.

EXT. P3- THE COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE GENERAL EDUCATION DEPT. DATED 24.8.2015 WITH ENGLISH TRANSLATION.

EXT. P4- THE COPY OF THE REPLY ISSUED BY ADDITIONAL CHIEF SECRETARY TO THE PETITIONER DATED 3.9.2015 WITH ENGLISH TRANSLATION.

EXT. P5- COPY OF THE LETTER FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DTD. 10.9.2015.

EXT. P6- COPY OF THE LETTER FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DTD. 1.9.2015 WITH ENGLISH TRANSLATION.

EXT. P7- COPY OF THE LETTER ISSUED BY THE 4TH RESPONDENT TO PETITIONER DATED 1.10.2015 WITH ENGLISH TRANSLATION.

EXT. P8- COPY OF THE LETTER ISSUED BY THE 4TH RESPONDENT TO PETITIONER DATED 6.10.2015 WITH ENGLISH TRANSLATION.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 31048 of 2015

Dated this the 16th day of October, 2015

JUDGMENT

The petitioner joined the service of the Kollam District Co-operative Bank Limited as a Clerk. Presently being the Branch Manager, she came to know very recently through her Aunt that her correct date of birth is 30.09.1958 instead of 20.10.1957, which has been recorded in her SSLC book.

2. Under the above circumstances, the petitioner is said to have submitted Exhibit P5 application to the fourth respondent seeking her service particulars, so that she could seek correction of Date of Birth before the first respondent.

3. In response, the fourth respondent has issued Exhibit P8 conditional consent. To elaborate, the fourth respondent has expressed its willingness to provide the particulars sought by the petitioner, provided the correction of Date of Birth shall not affect the petitioner's tenure in the respondent Bank. Aggrieved, the petitioner has approached this Court.

4. The learned counsel for the petitioner has submitted that as per the Date of Birth recorded in the service register,

the petitioner is due to retire by the end of this month. It is imperative that the fourth respondent shall provide the service particulars forthwith to enable her to pursue her cause before the authorities concerned as regards the correction in Date of Birth. She has also brought to my notice that the petitioner has already submitted Exhibit P6 representation before the third respondent seeking continuation of her service before the issue concerning the correction of Date of Birth could be finalized by the authorities.

5. In response, the learned Standing Counsel for the respondents 3 and 4 has submitted that the respondent Bank has no objection to supply the particulars, provided it shall not affect the Bank's right concerning the petitioner's tenure.

6. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel for the respondent Bank, this Court, without adverting to the merits of the matter, disposes of the writ petition with a direction to the fourth respondent to provide the petitioner her service particulars.

7. It is nevertheless made clear that any correction to be effected in her Date of Birth by the authorities concerned shall

not be to the prejudice of the respondent Bank, which is at liberty to take all pleas legally permissible concerning the validity or the legality of changing the Date of Birth at the fag end of the petitioner's career.

This Court further directs the third respondent to consider petitioner's Exhibit P6 representation in accordance with law, as expeditiously as possible, at any rate, before the date of her superannuation.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-