

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 9.11.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1382 2017

A.Soundarajan

Appellant

Versus

The Principal Chief Conservator of
Forest, Panagal Building,
Saidapet, Chennai 600 015.

Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 27.4.2009 passed in W.P.No.33263 of 2006 on the file of Hon'ble court.

WP.33263 OF 2006 PRAYER: Petition Under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records of the respondent herein in his order in Na.Ka.No.B2/29061/97 dated 19/9/1997 quash the same and issue a directions to the respondents to alter the date of birth of th petitioner from the existing entry made in his service register i.e. 06/01/1960 as 17/10/1960.

For appellant : Mr.M.Ravi
For respondent : Mr.M.Santhanaraman,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by RMT.TEEKAA RAMAN, J.)

Challenging the correctness of the order passed by the learned Single Judge, wherein the learned Single Judge, relying upon the decision reported in K.S.SRIPATHY v. THE CENTRAL ADMINISTRATIVE TRIBUNAL AND OTHERS (2008 (3) LW 919) has held that the claim made by the Government servant based on the alleged mistake made by the father cannot be entertained.

2. The basic facts that are necessary for disposal of the appeal are as follows-

According to the petitioner, he born on 17.10.1960 in a Maternity Home at Palani and the same has been duly registered on the very next day viz., 18.10.1960 and to establish the same, he has got the extract of the birth register issued by the Palani Municipality. However, it is the case of the petitioner/appellant that by mistake on the part of his father, the date of birth of the petitioner/appellant was given as 6.1.1960. Whiles, the appellant/writ petitioner had joined the service as Forest Range Officer on 1.5.1988 and on 1.3.1993, he had made an application for altering his date of birth in the service register on which, the Revenue Divisional Officer, Palani conducted an enquiry and submitted his report. Subsequently, the application was recommended and forwarded by the Principal Commissioner and Commissioner of Revenue Administration, Chennai, however, the same was rejected by the respondent and hence, he had filed the writ petition and since the writ petition also came to be dismissed, he is before us.

3. The reason for rejection of the application seems to be that the authority has disbelieved the version of the appellant/writ petitioner that his parents are illiterate as he found that they are able to sign in the school records.

4. However, going through the extract of the birth register issued by the Palani Municipality and in view of the fact that the same reflects that the appellant/writ petitioner born in a Maternity Home at Palani and the same was registered on the very next day, we are of the view that the said fact needs to be re-considered by the respondent and therefore, we direct the respondent to do such exercise, if necessary, by calling for the original records maintained by the Palani Municipality and verifying the same and pass suitable orders, within a period of one month from the date of receipt of a copy of this judgment.

5. Modifying the order passed by the learned Single Judge to the above extent, the writ appeal is disposed of. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. THE PRINCIPAL CHIEF CONSERVATOR OF
FOREST, PANAGAL BUILDING,
SAIDAPET, CHENNAI 600 015.

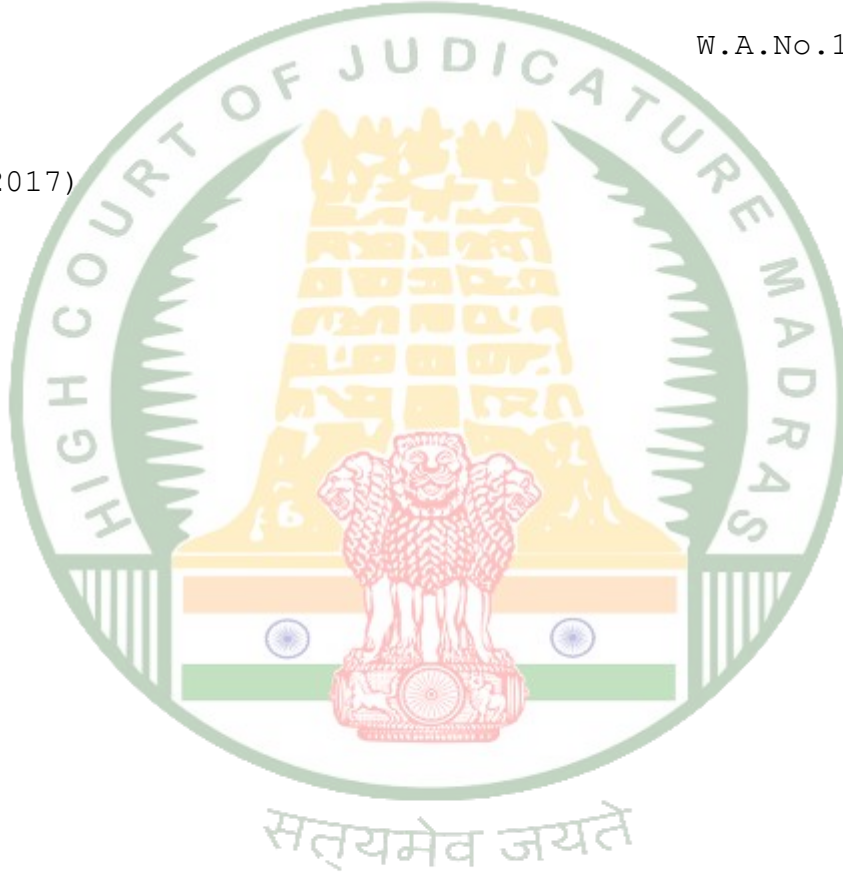
2. THE COMMISSIONER OF PALANI MUNICIPALITY, PALANI

+1cc to the Special Government Pleader, S.R.No. 79524

+1cc to Mr.M.RAVI, Advocate, S.R.No. 79763

W.A.No.1382 of 2017

GMR (CO)
TR(21/11/2017)



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