

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-10-2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9574 of 2014

And

M.P.No.1 of 2014

P.Kaliappan

.. Petitioner

-vs-

1.The Director of Town Panchayats,
Director of Town Panchayat Office,
Kuralagam,
Chennai-108.

2.The District Collector,
District Collector Office,
Dharmapuri District.

3.The Executive Officer,
First Grade Town Panchayat Office,
Kambainallur,
Dharmapuri District.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to change over the petitioner's date of birth as 20.12.1961 in the Service Register Book instead of date of birth as 10.5.1956 on the basis of the written representation made by the petitioner on 13.2.2014.

For Petitioner - Mr.C.Prakasam

For Respondents - Mr.R.Vijayakumar,
Additional Government Pleader.

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents to change over the date of birth of the writ petitioner as 20.12.1961 in the Service Record instead of the date of birth as 10.5.1956.

2. The learned counsel, appearing for the writ petitioner, made a submission that the writ petitioner is working as Bill Collector and was initially appointed through Tamil Nadu Public Service Commission on 11.6.2009. The writ petitioner claims that his father, who is an illiterate person, had recorded the date of birth of the writ petitioner erroneously as 10.5.1956 and the same is reflected in all his school records. Even in the SSLC Certificate, the date of birth of the writ petitioner is recorded as 10.5.1956, so also in the Transfer Certificate issued by the School Authorities.

3. However, the writ petitioner claims that it is a wrong entry made in the school records on account of the erroneous statement given by his father at the time of admitting the writ petitioner in the school. The writ petitioner claims that his actual date of birth is 20.12.1961. Further, it is stated that the father of the writ petitioner approached the learned Judicial Magistrate No.I, Krishnagiri and filed a petition in CrI.MP No.6571 of 2013 with a prayer for direction to the Tahsildar, Krishnagiri to register the date of birth of his daughter Saroja and his son Kaliyappan on 25.11.1958 and 20.12.1961 respectively and the same was ordered by the learned Judicial Magistrate No.I, Krishnagiri on 24.1.2014. Accordingly, the Tahsildar, Krishnagiri was directed to register the date of birth of the writ petitioner as 20.12.1961 instead of 10.5.1956.

4. Based on the order passed by the learned Judicial Magistrate No.I, Krishnagiri, the petitioner made a representation on 13.2.2014, seeking alteration of date of birth. Accordingly, the present writ petition is filed with a prayer to change the date of birth of the writ petitioner.

5. This Court has to consider the relevancy and the genuinity in respect of the claim of the writ petitioner for alteration of date of birth. This Court is of the firm opinion that the request made by the petitioner for alteration of entry relating to his date of birth in his Service Record, cannot be considered in view of the fact that the writ petitioner appeared for the SSLC Examination conducted by the Board of Secondary Education, Tamil Nadu and after having passed in the said examination, he has been issued with a Certificate wherein his date of birth is recorded as 10.5.1956. The said Certificate

bears the signature of the writ petitioner. Even in the Transfer Certificate issued by the School Authorities, the date of birth was entered as 10.5.1956. The scholastic record of the writ petitioner still reflects the date of birth as 10.5.1956.

6. However, the writ petitioner claims that the date of birth of 20.12.1961 has been obtained through the order of the Judicial Magistrate, Krishnagiri on 24.1.2014. It is not made clear that whether any proper enquiry has been conducted in order to ascertain the actual date of birth of the writ petitioner as 20.12.1961. Further, it is not made clear that whether the writ petitioner has produced all relevant records and the genuinity of the same were verified or not.

7. However, this Court is of the opinion that the application, seeking declaration of date of birth before the learned Judicial Magistrate itself was filed after a lapse of 53 years from the date of birth of the writ petitioner.

8. Thus, this Court has got every reason to disbelieve the genuinity or otherwise of the date of birth sought to be altered by the writ petitioner. The application before the learned Judicial Magistrate, Krishnagiri was filed in the year 2013, after a lapse of 53 years from the birth date of the writ petitioner.

9. Under those circumstances, the conduct of proper enquiry to ascertain the genuinity of the date of birth also has not been done. Under these circumstances, the relief, as such, sought for to alter the date of birth of the writ petitioner, cannot be considered.

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10. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

svn

To

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Kambainallur,
Dharmapuri District.

+1 cc to Mr.C.Prakasam Advocate sr 73076

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