

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-08-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.14398 of 2015 And
M.P.Nos.1 and 2 of 2015

A.Sakinsa .. Petitioner

vs.

The Director,
Tamil Nadu Uniform Services Recruitment Board,
No.807, PT LEE Chengalvaraya Naicker
Building Second Floor,
Anna Salai, Chennai. .. Respondent

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the order of rejection dated 26.2.2015 passed by the respondent, quash the same and direct the respondent to accept the petitioner's application for the post of Sub Inspector of Police (Taluk) as per Notification No.01/2015 (Advertisement No.1/15) dated 8.2.2015 on the file of the respondent and permit the petitioner to take part in all examinations considering the date of birth of the petitioner is as 14.10.1985.

For Petitioner : Mr.S.Doraisamy
For Respondent : Mr.K.Venkataramani,
Additional Advocate General-VII
Assisted by Mr.K.Dhananjayan,
Special Government Pleader.

O R D E R

The very same writ petitioner A.Sakinsa earlier filed writ petition in WP(MD) No.3001 of 2015 on the same cause of action and the prayer sought for in that writ petition is to call for the records pertaining to the rejection order dated 26.2.2015 passed by the respondent, quash the same and to direct the respondent to accept the petitioner's application to participate in the examination as per the date of birth in the Birth Certificate date, the Madurai Bench of Madras High Court passed order on 5.3.2015 as follows:-

"3. Admittedly, the petitioner has not taken any steps to get the School records altered in respect of his date of birth. Therefore, the respondent

cannot be found fault with in rejecting the application. If the petitioner succeeds in getting his date of birth corrected in the School records, then only, he can seek for employment, if the age of the petitioner is within the stipulated age limit fixed by the Recruiting Authority. As I find that the School records of the petitioner as on date carries the date of birth as 25.06.1985, the petitioner cannot question the impugned order. Therefore, I find no merit to interfere with the order impugned in the present Writ Petition and hence, the Writ Petition fails and the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed."

2. The writ petition on hand also filed with the similar prayer to call for the records relating to the order of rejection dated 26.2.2015 passed by the respondent, quash the same and to direct the respondent to accept the petitioner's application for the post of Sub Inspector of Police (Taluk) as per Notification No.01/2015 (Advertisement No.1/15) dated 8.2.2015 on the file of the respondent and permit the petitioner to take part in all examinations considering the date of birth of the petitioner is as 14.10.1985.

3. The relief sought for in both the writ petitions are similar in nature and therefore, filing of the writ petitions on the same cause of action, one before the Madurai Bench of the Madras High Court and another before the Principal Bench, is deprecated. However, the learned counsel for the writ petitioner says that the earlier writ petition was filed before correcting date of birth in the records. However, no further adjudication in respect of alteration of the date of birth, can be entertained by this Court in this writ petition, since the matter was already adjudicated and an order was passed on 5.3.2015.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

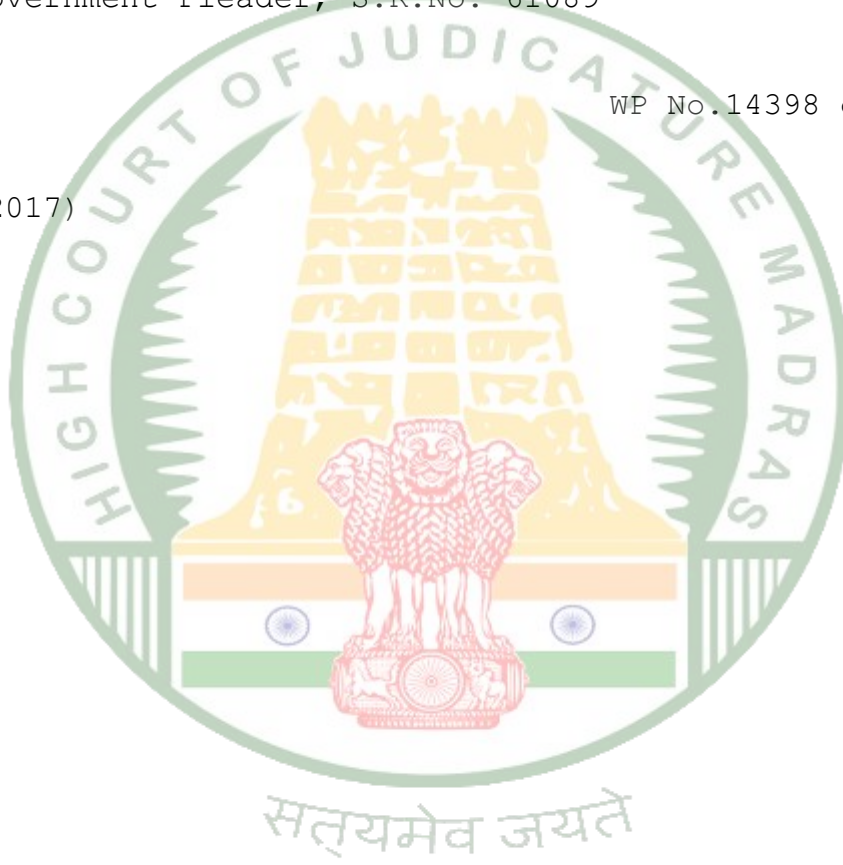
To

The Director,
Tamil Nadu Uniform Services Recruitment
Board,
No.807, PT LEE Chengalvaraya Naicker
Building Second Floor,
Anna Salai, Chennai.

+lcc to Mr.S.Doraisamy Advocate, S.R.No. 60476
+lcc to Government Pleader, S.R.No. 61089

WP No.14398 of 2015

KJ(CO)
GN(11/09/2017)



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