

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2758 of 2017

R.David

.. Petitioner

vs.

1. The Director,
Horticultural and Plantation Crops,
Chepauk, Chennai-600 005.

2. Deputy Director,
Horticultural,
Villupuram-600 005.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 04.01.2017 forwarded through the 2nd respondent letter No.A1/96/2017 dated 09.01.2017 for change of date of birth of petitioner on service record and extend the service based on the birth date 08.04.1960 as per the birth certificate, before February 2017.

For Petitioner : Mr.A.Swaminathan
For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner is a B.Sc., Horticultural graduate and he applied for the post of Horticultural Officer called by the Tamil Nadu Public Service Commission and he was selected through competitive examinations held on 16.03.2014 and appointed as Horticulture Officer in Thirukovilur Taluk on 14.10.2015. It is the specific case of the petitioner that he has written the competitive examinations in the year 2014 and when her mother was enquiring about his service, she informed the petitioner that he was born on 08.04.1960 and not on 13.02.1959 and the petitioner, on becoming aware of the same, got necessary documents and submitted a representation dated 04.01.2017 to the respondents, praying for alteration of the date of birth in the service records and the second respondent, vide letter

No.A1/96/2017 dated 09.01.2017, has also forwarded the same to the first respondent.

3. The learned counsel appearing for the petitioner would submit that as per the original date of birth, the petitioner has to attain the age of superannuation on 28.02.2017 and therefore, prays for appropriate orders.

4. Per contra, Mr.K.Dhananjayan, learned Special Government Pleader, who accepts notice on behalf of the respondents would submit that the petitioner is guilty of delay and laches and at this distant point of time, it is not open to him to make such an untenable claim and prays for dismissal of this writ petition.

5. This Court has considered the rival submissions and also perused the entire materials placed before it.

6. Though the petitioner prays for larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the first respondent to act on the communication of the second respondent in letter No.A1/96/2017 dated 09.01.2017 and pass orders on merits and in accordance with law, on or before 22.02.2017 and communicate the decision taken, to the petitioner.

7. This Writ Petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar (CS IV)

//True Copy//

Sub-Assistant Registrar

To

1. The Director,
Horticultural and Plantation Crops,
Chepauk, Chennai-600 005.
2. Deputy Director,
Horticultural,
Villupuram-600 005.

+1 CC to Mr. A. Swaminathan, Advocate sr 7174

+1 CC to Government Pleader sr 7451

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KJ (CO)
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