

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.01.2017

Coram

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.44413 of 2016

V.Parthiban

...Petitioner

-Vs-

1. The Registrar of Co-operative Societies
No.170, Periyar EVR Road,
Kilpauk,
Chennai-10.
 2. The Chairman,
Chennai Central Co-operative Bank Ltd.,
Head Office: Prakasam Salai,
Broadway,
Chennai - 108.
 3. The Additional Registrar/ Managing Director,
Chennai Central Co-operative Bank Ltd.,
Head Office: Prakasam Salai,
Broadway,
Chennai - 108
- ... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 31.08.2016 and alter the date of birth of the petitioner in the service records by deleting the existing entry '11.05.1959' and replace it by '10.07.1960' as per birth certificate issued by Corporation of Chennai.

For Petitioner : Mr.S.Pushpakaran

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co.op.)

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner is working as Chief Manager in Chennai Central Co-operative Bank and according to him, his real date of birth is 10.07.1960, however, at the time of admission in the School, his parents who were not educated has entered his date of birth as 11.05.1959. Just two months prior to the filing of the writ petition, the petitioner came to know that instead of entering his date of birth as 10.07.1960, his date of birth has been entered as 11.05.1959 in the service records. In this regard, the petitioner has also submitted a representation dated 31.08.2016 praying to alter the date of birth as 10.07.1969 and despite receipt of the same, he is yet to be favoured with any kind of response. Hence, he came forward to file this writ petition.

3. Learned counsel for the petitioner would submit that the parents of the petitioner were uneducated and they have wrongly given the date of birth of the petitioner in the school records. Therefore, prays for appropriate orders.

4. Per contra, Mr.L.P.Shanmugasundaram, learned Special Government Pleader who accepts notice on behalf of the respondents, on instructions, submitted that as per the Special Bye law, the petitioner has to submit an application for alteration of date of birth within five years from the date of entry into service. Admittedly, it has not been done so and however, the representation of the petitioner will be disposed of in accordance with law by the 3rd respondent.

5. This Court, considered the rival submissions and also perused the typed set of papers.

6. Though the petitioner prays for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim made by the petitioner either in the representation or in the writ petition, directs the third respondent to consider and dispose of the petitioner's representation dated 31.08.2016 on merits and in accordance with law and pass orders within a period of six weeks from the date

of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Registrar of Co-operative Societies
No.170, Periyar EVR Road,
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Chennai - 108

+1cc to Mr.Pushpakaran, Advocate, S.R.No.368
+1cc to the Government Pleader, S.R.No.205

MV(CO)
RS(10/01/2017)

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