



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A(MD)No.32 of 2015

and

M.P.(MD) No.1 of 2015

G.Chakkaravarthi

... Appellant

Vs.

1.The Directorate General of Police,
Department of Police,
Chennai - 600 004.

2.The Commissioner of Police,
SIT CBCID,
No.293, M.K.N.Road,
Alanthur,
Chennai - 16.

3.The Commissioner of Revenue Administration,
Chepauk,
Chennai - 5.

... Respondents

PRAYER: This Writ Appeal is filed under Clause 15 of Letters Patent, to allow the writ appeal and set aside the order dated 21.11.2014 made in W.P.(MD) No.18850 of 2014 on the file of this Court.

Prayer in WP(MD) . 18850/ 2014 :

To issue a writ of Certiorarified Mandamus calling for the records of the impugned order issued by the 1st respondent in his proceedings RC.No.30093/NGB.V(1)/2012 dated 12.3.2013 and quash the same and further direct the respondents to change the date of birth of the petitioner as 29.7.1970 instead of 14.5.1969 in his service register.

For Appellant : Mr.A.Thirumurthy
For Respondents : Mr.M.Govindan
Special Government Pleader.

J U D G M E N T

[Judgment of the Court was made by **G.R.SWAMINATHAN, J.**]

The unsuccessful writ petitioner is on appeal challenging the order dated 21.11.2014 made in W.P.(MD) No.18850 of 2014.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The case of the appellant is that he was appointed in the Police Department as Sub Inspector of Police in the year 1996. His



date of birth was wrongly entered as 14.05.1969. Actually his real date of birth is 29.07.1970. Since he came to know his real date of birth only in the year 2013, he moved the respondents seeking to change the date of birth as 29.07.1970 instead of 14.05.1969 in his service register. The first respondent by order dated 12.03.2013 rejected the said application on the ground that it has not been filed within 5 years from the date of entering the service. The said order was sustained in WP(MD)No.18850 of 2014. Aggrieved by the same, this intra Court appeal has been filed.

3. Heard the learned counsel appearing for the appellant.

4. The learned counsel for the appellant contended that the first respondent was not justified in summarily rejecting his application.

5. We are not impressed with this argument. Admittedly, the writ petitioner joined in service in the year 1996. The application for change in his date of birth was made only in the year 2013. 17 years had gone by in the meanwhile. An application for alteration of date of birth must be submitted within 5 years from the date of his service. That being so, the first respondent was justified in summarily rejecting the request for alteration of date of birth when it was lodged 17 years after entering service. The learned Single Judge was right in dismissing the writ petition and sustaining the order impugned in the writ petition. We find no merit in this writ appeal. It stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Directorate General of Police,
Department of Police,
Chennai - 600 004.

2. The Commissioner of Police,
SIT CBCID,
No.293, M.K.N.Road,
Alanthur, Chennai - 16.

3. The Commissioner of Revenue Administration,
Chepauk, Chennai - 5.

+1cc to Mr.A.THIRUMURTHY Advocate in SR. No. 71203
SKM

JS/SV.MMR/SAR.1/21.09.2017/2P-5C

<https://hcservices.ecourts.gov.in/hcservices/>

W.A (MD) No. 32 of 2015

08.08.2017