

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 28.08.2017****CORAM:**

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A(MD)No.1001 of 2017

Sannasi

.. Appellant

Vs.

1. The Chief Secretary,
Government of Tamil Nadu,
Planning and Development,
Secretariat, St.George Fort,
Chennai-600 009.

2. Principal Commissioner and Commissioner of
Revenue Administration,
Chepauk, Chennai-600 006.

.. Respondents

PRAYER: This Writ Appeal is filed under Clause 15 of Letters Patent Act, against the judgment and order dated 02.06.2017 in W.P. (MD)No.17094 of 2015.

Prayer in WP(MD). 17094/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records of the 2nd Respondent disposed of in his Lr.No. 3(3)60240/2000 dated 01.02.2001 passed by the 2nd Respondent without Jurisdiction and quash the proceedings and directing the 2nd Respondent to dispose the same according to law ordering correction of the Service Register with real date of birth 13.01.1959.

For Appellant : Mr.R.A.Mohanaram
For Respondents : Mr.B.Puzhalendhi
Additional Advocate General

J U D G M E N T

[JUDGMENT of the Court was delivered by **G.R.SWAMINATHAN, J.**]

The unsuccessful writ petitioner is on appeal challenging the order dated 02.06.2017 made in W.P. (MD)No.17094 of 2015.



2.The appellant was appointed as Assistant Statistical Investigator on 02.08.1991. According to the appellant, he was actually born on 13.01.1959. But, his date of birth was incorrectly mentioned as 12.09.1957 in the school records.

3.The appellant got a copy of the birth extract from the office of the Sub-Registrar, Puthumandapam, Madurai on 11.06.1996 and applied on 19.07.1996 for correction of date of birth.

4.The second respondent herein declined to permit alteration of date of birth. Aggrieved by the decision of the second respondent issued vide proceeding dated 01.02.2001, the appellant preferred an appeal to the first respondent. There was a return of the appeal petition submitted by the appellant herein and resubmission thereof. Finally, on the eve of his retirement from service, the appellant herein filed in W.P.(MD)No.17094 of 2015 challenging the order dated 01.02.2001 passed by the second respondent herein. The learned Single Judge dismissed the writ petition and aggrieved by the same, the present intra Court appeal has been filed.

5.Heard, the learned counsel appearing for the appellant as well as the learned Additional Advocate General appearing for the respondents.

6.Learned counsel for the appellant fairly informed us that the appellant is no longer in service. The writ petitioner admittedly challenged the order dated 01.02.2001 only in the year 2015. Therefore, on the ground of laches, the writ petitioner was certainly liable to be non suited. Even according to the appellant, his father gave his date of birth as 12.09.1957 at the time of getting admission in school. Therefore, the S.S.L.C. book of the appellant showed his date of birth as 12.09.1957. Only in the year 1996, the appellant applied for correction and alteration of his date of birth. Jurisdiction under article 226 of the Constitution of India is a discretionary one. The learned single judge noted that the writ petitioner did not explain the delay of more than 13 years in approaching the court.

7.This Court does not find anything wrong with the reasoning adopted by the learned single Judge. The Writ Appeal has no merit. The Writ Appeal stands dismissed. No costs.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar



To:

1. The Chief Secretary,
Government of Tamil Nadu,
Planning and Development,
Secretariat, St.George Fort,
Chennai-600 009.

2. Principal Commissioner and Commissioner of
Revenue Administration,
Chepauk, Chennai-600 006.

+1cc to The Spl.Government Pleader Sr.No.75166

TA/VSG

VB/GT/SAR1/21/09/2017/3P/4C

W.A(MD) No.1001 of 2017
28.08.2017