

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE DR JUSTICE SHAMEEM AKTHER

Writ Appeal No.398 of 2012

JUDGMENT: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.23885 of 2009 dated 26.03.2012. The appellant herein is the petitioner in the writ petition wherein he claimed the relief of correction of his date of birth as 04.06.1961 in the service records against the date of birth recorded therein as 12.03.1952. In effect the petitioner has sought correction of his date of birth which would result in his continuing in service for more than 9½ years thereafter.

In the order under appeal, the Learned Single Judge, following a Division Bench judgment of this Court in ***V.Alwar vs. The Singareni Collieries Company Ltd.*** (judgment in W.A.No.584 of 2011 dated 17.11.2011), observed that the entire record, including B-Register, Form PS-3 and 4, recorded the date of birth of the appellant-writ petitioner as 12.03.1952 and as the appellant-writ petitioner had also signed in the B-Register and Form PS-3 prepared in 1998, which also contained the same date, he was not entitled to the relief sought for in the writ petition.

Sri N.Vijay, learned counsel for the appellant-writ petitioner, would reiterate the very same submissions, urged before the Learned Single Judge, before us also.

As has been rightly pointed by Sri Nandigam Krishna Rao, learned counsel for the respondents, the Division Bench judgment in W.A.No.584 of 2011 dated 17.11.2011 binds us also. The appellant-writ petitioner seeks alteration of the date of birth, as entered in the service records, long after he joined service. He had earlier affixed his signature acknowledging the date of birth entered in the service records as the correct date of birth. The date of birth entered in the service records

cannot be sought to be corrected long after it was recorded in the service records, that too in proceedings under Article 226 of the Constitution of India. We see no reason to take a view different from that of the Learned Single Judge. The appellant-writ petitioner is, therefore, not entitled to the relief sought for in the writ petition.

The Writ Appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

07th March, 2017
JSU

(DR. SHAMEEM AKTHER, J)



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Date: 07.03.2017

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