

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON : 24.08.2018

ORDER PRONOUNCED ON : 02.11.2018

CORAM:

THE HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

W.P.No.11805 of 2009

C. Manavalan

... Petitioner

Vs.

The Deputy Inspector General of Police,
Special Branch, CID,
Mylapore, Chennai - 4

... Respondent

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records of the respondent in Na.Ka.No.E1/TaPi/15680/08 dated 26.06.2008 passed by the respondent in respect of the petitioner's name shown as item No.18 (Head Constable No.1218) and the service register of the petitioner (No.1218) changing the date of birth of the petitioner as 15.06.1951 instead of the date of birth 15.06.1955 and quash the same.

For Petitioner : Ms.R.T.Shyamala

For Respondents: Mr.M.Sricharan Rangarajan
Additional Government Pleader (W)

सत्यमेव जयते
O R D E R

The instant Writ Petition has been filed for an appropriate Writ or direction to call for the records of the respondent i.e. the Deputy Inspector General of Police, Special Branch, CID, Mylapore, Chennai - 4 in Na.Ka.No.E1/TaPi/15680/08 dated 26.06.2008 and quash the same and correct the service register of the petitioner changing date of birth of the petitioner as 15.06.1955 instead of 15.06.1951.

2. The averments in the Writ Petition are :-

(a) the writ petitioner was appointed as a Constable on 01.12.1973. He studied upto S.S.L.C. In service register, the date of birth was entered as 15.06.1955. The same details also reflected in the Provident Fund records served to him.

(b) the petitioner was promoted as Special Sub Inspector on 02.04.2009. He received a notice on 23.02.2007 stating that in the S.S.L.C. Certificate, the date of birth was given as 15.06.1951 and the same was altered as 15.05.1955 and he was directed to produce the correct birth certificate.

(c) The petitioner would contend that the respondent could not raise any objection after nearly 33 years of service. The service book was altered and by order dated 26.06.2008 in Na. Ka. No. E1/Tapi/15680/08 the date of birth was altered as 15.06.1955.

3. The order passed by the respondent in Na.Ka.No.E1/Tapi/15680/08 dated 26.06.2008 is under challenge in the writ petition.

4. The State has filed a Counter. In the counter, it is stated that S.S.L.C Certificate has been tampered and the date 15.06.1951 has been corrected as 15.06.1955. It is also stated that corresponding correction has been carried out in the service book as well. It is stated that a report was called from the Head Master of Raja Desingh Govt. Boys Higher Secondary School, Gingee, South Arcot District, where the petitioner studied 11th standard (old S.S.L.C). The Headmaster has furnished his report in his LR.No.23 dated 16.02.2008 stating that the date of birth of the petitioner is 15.06.1951. He has also submitted an attested copy of transfer certificate issued during the year 1968.

5. This Court also called for the records of the case from the respondent.

6. A perusal of the records would show that the letter of the Head Master of Raja Desingh Govt. Boys Higher Secondary School, Gingee, dated 16.02.2008, reads as under:-

From	To
Head Master,	Superintendent of Police,
Raja Desingh Govt. Boys High	Special Branch CID,
School,	Chennai - 4.
Gingee, Villupuram.	

Rc.No.23/2007, dated 16.02.2008

Sir,

From
Head Master,
Raja Desingh Govt. Boys High
School,
Gingee, Villupuram.

To
Superintendent of Police,
Special Branch CID,
Chennai - 4.

Sub: Police - Special Branch C.I.D. -
Tr.C.Manavalan, (HC.4217), Cuddalore -
Change of Date of Birth in School
Transfer Certificate - Details
regarding correct Date of Birth -
Submitted - Reg.

Ref : Your letter in Rc.No.E1/SB/02936/2008
dated 07.02.2008.

* * * * *

With reference to your letter cited, it is informed that Photocopy of Transfer Certificate, SSLC Book and Service Roll in respect of Tr.C.Manavalan, (HC.4217), Cuddalore has been received for verification of his Date of Birth from your office. On verification of Registers issuing Transfer Certificate and School Records, it is found that the Date of Birth has been mentioned as 15.06.1951. Hence, photo copy of Transfer Certificate issued from the School and relevant records received along with your letter cited are sent herewith.

Yours faithfully,
Sd/-xxxx

Head Master
Raja Desingh Govt. Boys High
School,
Gingee, Villupuram.

7. I have also seen the Secondary School Leaving Certificate and the Service Book. A look at the certificate would show that in the S.S.L.C certificate 1951 has been altered to 1955 in the column against the date of birth. Similarly, the service roll of the petitioner also shows that against the column of date of birth, one entry has been struck off and 15.06.1955 (Fifteenth June Nineteen Fifty Five) has been inserted.

8. In view of the letter sent by the Head Master of Raja Desingh Govt. Boys Higher Secondary School, Gingee, dated 16.02.2008 and in view of the correction made in the school leaving certificate and in the service register of the petitioner, it has to be held that the date of birth of the petitioner is 15.06.1951 and not 15.06.1955.

9. It is surprising that the State Government has not filed any criminal complaint against the petitioner for forging the records.

10. Be that as it may, the Writ Petition stands dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

asi/gsp

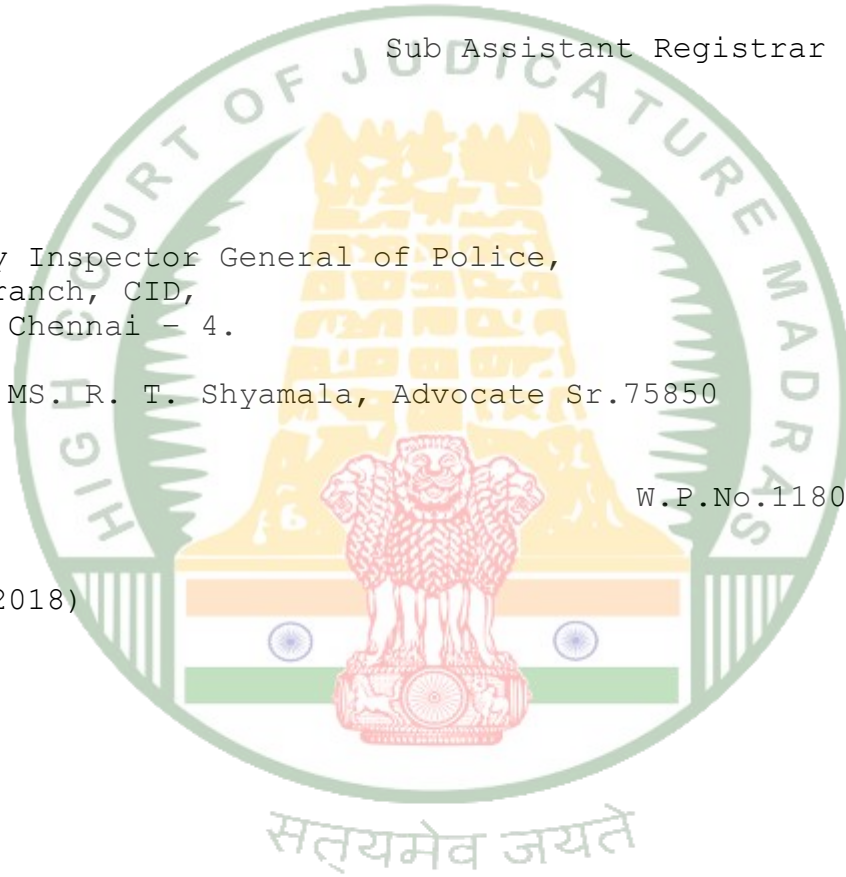
To

The Deputy Inspector General of Police,
Special Branch, CID,
Mylapore, Chennai - 4.

+ 1 cc to MS.R. T. Shyamala, Advocate Sr.75850

W.P.No.11805 of 2009

VGI(CO)
EU(12/12/2018)



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