

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8843 of 2018

S.B.R.Kannan.B.E,

.. Petitioner

Vs

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
12, Thambu Swamy Road,
Kilpauk, Chennai - 600 010

2.The General Manager,
(Through proper Channel:The Regional Engineer),
Tamil Nadu State Construction Corporation Ltd.,
Tuticorin Region, Tuticorin. ..Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the first respondent to consider the petitioner application dated 18.12.2017.

For Petitioner : Mr.B.Nedunchezhiyan

For Respondents: Mr.L.P.Shanmugasundaram
Spl GP(Co-operatives)

O R D E R

The relief sought for in this writ petition is for a direction to the first respondent to consider the petitioner's application dated 18.12.2017.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was appointed as Technical Assistant(Training) in Tamil Nadu State Construction Corporation on 16.08.1987. He was initially selected by Tamil Nadu Public Service Commission(TNPSC) through Group-I Service. The services of the writ petitioner was regularized, his probation was declared and he was promoted to the post of Technical Assistant(Regular).

3.The petitioner was deputed to the Corporation and on completion of his B.E.(Civil) Course, he was promoted to the

post of Assistant Engineer with effect from 10.01.1996. The petitioner was further promoted as Assistant Executive Engineer and now working as Construction Engineer. In all his service records right from the date of his appointment, the date of birth of the writ petitioner was registered as 24.04.1965. All along, the same date of birth of the petitioner is maintained by the respondents and the said date of birth of 24.04.1965 was entered in the service records based on the School Certificates and other documents submitted by the writ petitioner at the time of appointment.

4.The writ petitioner was recruited through Tamil Nadu Public Service Commission(TNPSC) and even in the applications and other formats, the writ petitioner has mentioned his date of birth as 24.04.1965.

5.Such being the factum of the case, after a lapse of about thirty(30) years, the writ petitioner has now submitted an application on 18.12.2017, stating that the relatives of the petitioner has informed that his actual date of birth is 18.01.1967 and in this regard, relying on a horoscope, the petitioner move the present writ petition.

6.A Government employee, who entered into service and the date of birth was registered based on the School records, the same cannot be altered after a lapse of about thirty(30) years. Even, in case, an alteration of date of birth is to be done, the application in a proper format has to be submitted within a period of five(5) years from the date of appointment. Then also, the revised date of birth must be established in the manner known to law.

7.The date of birth has to be altered only under the provisions of the rules and such applications submitted after a lapse of about thirty(30) years from the date of appointment cannot be entertained. When the petitioner has admitted the date of birth at the time of joining in the public service and maintained the same date of birth for about 30 years. Now, he cannot take a different stand and say that his date of birth has wrongly been entered by the authorities at the time of appointment, based on the school records. Such stale claims cannot be entertained belatedly and therefore, this Court cannot entertain any such writ petition. Even for a direction to consider the representation, this Court is of an opinion that the writ petitioner has not established even a semblance of legal right, so as to consider the prayer as such sought for in this writ petition. This being the principles to be followed, this Court is of an opinion that the writ petition has not made out any ground for the purpose of grant of relief as such sought for in this writ petition.

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
12, Thambu Swamy Road,
Kilpauk, Chennai - 600 010
2. The General Manager,
(Through proper Channel: The Regional Engineer),
Tamil Nadu State Construction Corporation Ltd.,
Tuticorin Region, Tuticorin.

+1cc to M/s. L.P. Shanmugasundaram, Advocate sR.No.27851
+1cc to M/s. B. Nedunchezhiyan, Advocate sR.No.27509

KAN (CO)
sm:27.4.2018

W.P.No.8843 of 2018

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