

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 24.05.2018

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.12795 of 2018
and
W.P.M.P.Nos.15017 and 15018 of 2018

R.Raghunath

.. Petitioner

Versus

1. The Principal Commissioner /
Commissioner of Revenue Administration
Chepauk, Chennai - 600 005.
2. The Director of School Education
DPI Campus, College Road
Chennai - 600 006.

.. Respondents

Writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by second respondent in O.Mu.No.86495/W1/E1/2016 dated 25.04.2018 and to quash the same and consequently, direct the respondents to pass orders for alteration of date of birth of the petitioner as 06.11.1961 instead of 08.04.1960 with consequential and other attendant benefits by allowing the petitioner to continue in service till the date of retirement based on the original birth date 06.11.1961.

For Petitioner : Mr.G.Sankaran
For R1 : Mr.V. Jayaprakash Narayanan
Spl.GP.
For R2 : Mr.K.Karthikeyan, G.A.

ORDER

This Writ petition is filed praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by second respondent in O.Mu.No.86495/W1/E1/2016 dated 25.04.2018 and to quash the same and consequently, direct the respondents to pass orders for

alteration of date of birth of the petitioner as 06.11.1961 instead of 08.04.1960 with consequential and other attendant benefits by allowing the petitioner to continue in service till the date of retirement based on the original birth date 06.11.1961.

2. The case of the petitioner is as follows:-

The petitioner was appointed as P.G.Assistant on 11.03.1991 and promoted as Headmaster on 15.10.2012. The petitioner's actual date of birth is 06.11.1961. However, in the School records, it was wrongly mentioned as 08.04.1960 and the same was entered in his service records also and if his date of birth is treated as 08.04.1960, the petitioner was due to retire on 30.04.2018, but allowed to continue in service upto 30.05.2018 on superannuation till the end of the academic year. Hence, the petitioner is before this vacation Court with this Writ Petition.

3. Heard the learned counsel appearing on both sides and perused the materials available on record.

4. It is seen from the records that on the basis of the petitioner's request for altering his date of birth, the second respondent called for report from the first respondent and in this regard, Revenue Divisional Officer, Vellore conducted an enquiry and submitted a report on 07.08.1997 recommending for alteration of date of birth of the petitioner as 06.11.1961. The above report was mentioned by the first respondent in his letter dated 17.10.1997, but the first respondent stated that the petitioner's claim for alteration of date of birth cannot be considered on the premise that if the said date is accepted, the petitioner could not have write his SSLC examination during that period as there was shortage of few months to the age of 15 years. The second respondent has not passed any order in this regard. Hence, the petitioner has filed W.P.No.34400 of 2016 before this Court and the same was disposed on 29.09.2016 with direction to the respondents to consider and pass orders on the representation of the petitioner dated 04.05.2005.

Pursuant to the orders of this Court, the first respondent vide letter dated 05.04.2018 rejected the claim of the petitioner stating that the child born on 06.11.1961 to the parents of the petitioner is 5th child, which is contrary to the statement of the petitioner that he is 4th child and also the petitioner claims that his parents have five children, whereas his parents have seven children and therefore, the claim is misleading. Based on the said letter, the second respondent passed an order dated 25.04.2018 rejecting the claim of the petitioner for alteration of his date of birth.

In the considered opinion of this Court, the said order is sustained because the petitioner has not produced any evidence to show that the date of birth ie., 06.11.1961 relates to him and not relates to any other children of the parents of the petitioner. When such being the situation there cannot be any leniency to be shown on this petitioner, that too at the fag end of his retirement. According to his date of birth in the Service Register and School Records, the petitioner is to retire on 30.04.2018 on superannuation, but he was allowed to continue his service upto 30.05.2018 till the end of the academic year. Hence, at the fag end of his retirement the petitioner cannot come and agitate the matter before this vacation Court.

5. In the result, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar/V.O

True Copy

Sub-Assistant Registrar

mra

To

1. The Principal Commissioner /
Commissioner of Revenue Administration
Chepauk, Chennai - 600 005.
2. The Director of School Education
DPI Campus, College Road
Chennai - 600 006.

+1 CC to Mr.G. Sankaran, advocate sr 34160.

+1 CC to Govt. Pleader sr 34166 & 34175.

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EV(CO)
SP(29/05/2018)