



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.3836 of 2011

and

MP(MD)No.1 of 2011

K.P.Kandasamy

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Ramanthapuram,
Ramanthapuram District.

2.The Special Officer,
Q-953, Alaganoor Primary Agricultural Co-Operative Bank,
Alaganoor,
Muthukulathur Taluk,
Ramanathapuram District.

... Respondents

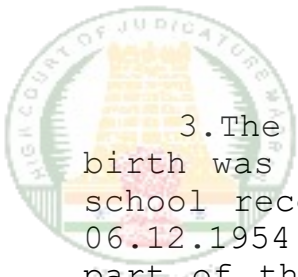
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, call for the records relating to the impugned order passed by the 1st respondent in Na.Ka.3010/2010 dated 08.03.2011 and quash the same and consequently direct the respondent to do appropriate changes in the service records as per the Birth Certificate issued by the Sub Registrar, Muthukulathur dated 11.08.2009 so as to enable the petitioner to get all service and monetary benefits.

For Petitioner	: Mr.R.GowriShankar
For Respondent-1	: Mr.R.Sethuraman, Special Government Pleader
For Respondent -2	: Mr.KA.Thirumalaiappan

ORDER

The order of rejection dated 08.03.2011 passed by the second respondent in relation to the claim of the writ petitioner seeking alteration of date of birth, is under challenge in this writ petition.

2.The learned counsel appearing for the writ petitioner states that the writ petitioner was appointed as Attender in the respondent Primary Agricultural Co-operative Society on 24.07.1977. Thereafter, he was promoted to the post of Clerk in the same Society on 26.09.1990. Subsequently, he was promoted to the post of the Assistant Secretary and retired from service.



3.The grievances of the writ petitioner is that his date of birth was entered in the service records as 21.03.1953 as per his school records and the petitioner claims that his date of birth is 06.12.1954. An error occurred on account of the illiteracy on the part of the parents of the writ petitioner. However, this Court is of an opinion that at the time of appointment, the writ petitioner had produced the school certificate and based on the school certificate, his date of birth was entered as 21.03.1953. The petitioner had the knowledge of his date birth for many years, particularly, even after joining service. The writ petitioner was aware that his date of birth was recorded as 21.03.1953 as per his school records. When the writ petitioner had full and complete knowledge about the registration of date of birth in service records, he was awaiting as such to be accepted, for more than three decades and thereafter submitted an application seeking alteration of his date of birth on 12.11.2009.

4.Thus, the order of rejection passed by the authorities in this regard is in accordance with law and absolutely, there is no infirmity. The very application seeking alteration of date of birth by the writ petitioner was submitted after 32 years from the date of appointment. The writ petitioner has slept over his rights, and he cannot one fine morning wake up and knock at the doors of the Court nor approach the competent authorities.

5.In this view of the matter, no further adjudication needs to be undertaken, in respect of the grounds raised in this writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no orders as to costs. Consequently, MP(MD)No.1 of 2011 is closed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1.The Joint Registrar of Co-operative Societies,
Ramanthapuram,
Ramanthapuram District.

2.The Special Officer,
Q-953, Alaganoor Primary Agricultural Co-Operative Bank,
Alaganoor,
Muthukulathur Taluk,
Ramanathapuar District.

+1cc to M/S.Special Government Pleader,SR. 45507

W.P(MD)No.3836 of 2011
31.01.2018