



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2019

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THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.14324 of 2019
& WMP No.14384 of 2019

K.Rajendran .. Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
Cuddalore Region, Cuddalore- 607 001
2. The Deputy Registrar of Co-operative Societies,
Virudhachalam Circle, Junction Road,
Virudhachalam - 606 001, Cuddalore District
3. The President,
Tittagudi Co-operative Agricultural Bank,
Main Road, Tirragudi- 606 106
Cuddalore District .. Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to permit the petitioner to continue in service till attaining the petitioner's superannuation date 30.06.2022 by taking note of the petitioner's School Transfer Certificate as well as Service Record maintained by the Tamil Nadu Civil Supplies Corporation.

For Petitioner .. Mr.C.Prakasam

For Respondents .. Mr.L.P.Shanmugasundaram, Spl G.P
for RR1 to 3

ORDER

This writ petition has been filed seeking for issuance of a Mandamus to direct the respondents to permit the petitioner to continue in service till attaining his superannuation date 30.06.2022 by taking note of the petitioner's School Transfer Certificate as well as Service Record maintained by the Tamil Nadu Civil Supplies Corporation.



2. The petitioner appears to have a grievance against wrong entry of his date of birth in the Service Register and on the basis of which, he was retired from service in April 2019. According to the respondents, his date of birth as per the Service Records was 14.04.1959. The date of birth is disputed by the petitioner saying that his actual date of birth is 07.06.1962, which is borne by the records like Transfer Certificate issued by the school authorities, in which the petitioner's actual date of birth was shown as 07.06.1962 and if the same is taken into consideration, the petitioner would retire only on 30.06.2022 and not on 30.04.2019.

3. The learned Special Government Pleader appearing for the respondents would submit that issue of alteration of date of birth can be adjudicated before the revisional authority under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 and without resorting to such remedy, the petitioner has come forward with the present writ petition, which is not maintainable.

4. This Court is in complete agreement with the submission made by the learned Special Government Pleader appearing for the respondents.

5. This Court, while exercising its extraordinary jurisdiction under Article 226 of the Constitution of India, cannot adjudicate the dispute in regard to the actual date of birth of the petitioner entered in the Service Record. This Court cannot undertake the adjudication of factual aspects and it is difficult to issue a writ of mandamus as prayed for by the petitioner in this Writ Petition. In fact, the prayer as sought for by the petitioner, is to declare his date of birth by this Court, which this Court cannot grant such declaration while exercising its constitutional jurisdiction. In any event, it is the authority, who is constituted under the Tamilnadu Co-operative Societies Act, can appreciate the factual aspects of the dispute and can come to some conclusion in regard to the materials placed before consideration.

6. In that view of the matter, this Court is of the opinion that the petitioner has better and efficacious remedy before the revisional authority constituted under Section 153 of the Tamilnadu Co-operative Societies Act and the same can be pursued by the petitioner.

7. Accordingly, this writ petition is disposed of by directing the petitioner to approach the revisional authority concerned constituted under Section 153 of the Tamil Nadu Co-operative Societies Act, within two weeks from the date of receipt of a copy of this Order by filing a proper revision



petition with supportive materials. Such Revision Petition being filed, the revisional authority may consider the same on merits and in accordance with law within a period of eight weeks thereafter and pass appropriate orders. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Registrar of Co-operative Societies,
Cuddalore Region, Cuddalore- 607 001
2. The Deputy Registrar of Co-operative Societies,
Virudhachalam Circle, Junction Road,
Virudhachalam - 606 001, Cuddalore District
3. The President,
Tittagudi Co-operative Agricultural Bank,
Main Road, Tirragudi- 606 106
Cuddalore District

+1 cc to M/s.C.Prakasam, Advocate, S.R.No.60530

+1 cc to M/s.L.P.Shanmugasundaram, Advocate, S.R.No.60534

+1 cc to the Government Pleader(CO-OP), S.R.No.60400

W.P.No.14324 of 2019

KS(CO)
SSM(03/09/2019).