

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.02.2019

CORAM

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

W.P.No.14850 of 2018
and
W.M.P.No.17579 of 2018

D.Rajasekaran

..Petitioner

vs

1.The Secretary to Government and
Commissioner of Revenue Administration
Chepauk, Chennai - 5.

2.The District Collector,
Vellore District,
Vellore.

3.The Revenue Divisional Officer
Ranipet
Vellore District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Rc.No.A1/11154/2008 dated 06.06.18 and quash the same and consequently direct the respondents to alter of Date of Birth of the petitioner in the petitioner's service register as 17.06.1961 instead 17.06.1960.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.D.Suriya Narayanan
Additional Government Pleader

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O R D E R

The order impugned dated 06.06.2018, rejecting the claim of the writ petitioner for alteration of date of birth based on the Telegram dated 17.06.1961 is under challenge in the present writ petition.

2.The writ petitioner was initially appointed as Typist and now, he was serving as Tahsildar Social Security, Walaja Taluk.

3.The Claim of the writ petitioner is that his actual date of birth is 17.06.1961 and it was erroneously entered in his School records as well as in the Service Records as 17.06.1960. The writ petitioner filed the present writ petition on the eve of his retirement. The ground, on which, the present writ petition is filed, is based on the Telegram message sent by the writ petitioner's Uncle on 17.06.1961. Such a telegram message sent cannot be construed as a valid proof for the purpose of deciding the date of birth of an employee. As per the rules, the petitioner ought to have submitted an application seeking alteration of date of birth within a period of five years from the date of joining in service.

4.The learned counsel for the writ petitioner states that the petitioner had filed the application within the time limit and there is a delay in considering the case of the writ petitioner.

5.Even, in case of delay, the writ petitioner ought to have pursued the matter within the reasonable period of time. However, now the present writ petition is filed on the eve of his retirement and at the age of 57 years. Thus, the writ petitioner has not pursued the matter during the relevant point of time with reference to the rules. This apart, the same copy of the Telegram would not confer any right on the writ petitioner to claim alteration of date of birth. Alteration of date of birth is to be done in accordance with law and by following the procedures as contemplated.

6.In the present case on hand, the date of birth of the writ petitioner was recorded in all his Service Records, based on his School records as 17.06.1960. Now, after the retirement, the said claim of the writ petitioner cannot be considered and therefore, the writ petition is devoid of merits as there is no infirmity as such in respect of the order of rejection.

7.With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government and
Commissioner of Revenue Administration
Chepauk, Chennai - 5.

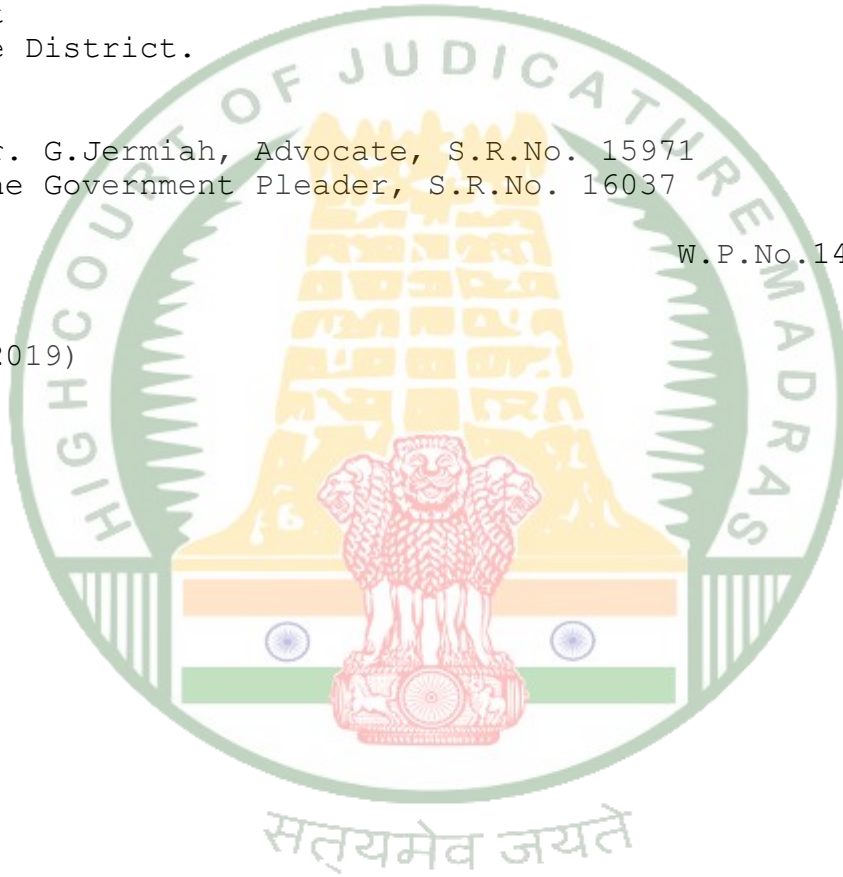
2.The District Collector,
Vellore District,
Vellore.

3.The Revenue Divisional Officer
Ranipet
Vellore District.

+lcc to Mr. G.Jermiah, Advocate, S.R.No. 15971
+lcc to the Government Pleader, S.R.No. 16037

W.P.No.14850 of 2018

RGN(CO)
GN(29/03/2019)



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