

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.22150 of 2019

M.Krishnaswami

... Petitioner

-vs-

1.The Principal Chief Conservator of Forest,
Panagal Building, Saidapet,
Chennai-600 015.

2.The District Forest Officer,
Namakkal.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents 1 and 2 to consider and pass orders regarding alteration of date of birth from 10.02.1965 to that of 09.02.1967 on the basis of the communications and correspondence vide Letter No.Pa.Mu.Va.Ni.3(3)/65507/2016 dated 08.08.2006; Na.Ka.No.1263/2017/Pa.1 dated 04.08.2017 and Na.Ka.No.3823/2017/P1 dated 03.08.2018 and that of the reminder representation dated 07.12.2018 on merits.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.G.B.Rajesh
Govt. Advocate (Forest)

O R D E R

This Writ Petition has been filed for a direction to the Respondents 1 and 2 to consider and pass orders regarding alteration of date of birth from 10.02.1965 to that of 09.02.1967 on the basis of the communications and correspondence vide Letter No.Pa.Mu.Va.Ni.3(3)/65507/2016 dated 08.08.2006; Na.Ka.No.1263/2017/Pa.1 dated 04.08.2017 and Na.Ka.No.3823/2017/P1 dated 03.08.2018 and that of the reminder representation dated 07.12.2018 on merits.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Forest) appearing for the Respondents. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3. The case of the petitioner is that on account of ignorance, his parents had mentioned the date of birth as 10.02.1965 instead of 09.02.1967 and the factum of his correct date of birth came to light on verification of the Birth Extract from the Department of Registration, relating to Birth. It is the further case of the petitioner that the procedure contemplated under the Rules that the application for alteration of date of birth has to be made within 5

years from the date of entry into service, has been duly complied with and though the petitioner had sent representations followed by several reminders, there was no response from the respondents and therefore, he is before this Court, seeking for the above direction.

4. Learned Government Advocate (Forest) has stated that vide communication dated 04.08.2017, the petitioner was informed that his request with regard to alteration of date of birth would be considered and suitable orders passed thereon.

5. It is seen that any claim with regard to change of date of birth ought to be made within a period of 5 years from the date of entry into service, as stipulated in the Tamil Nadu Basic Subordinate Service Rules, more particularly, Rule 49 and admittedly, the petitioner had made such an application well within time. As such, this Court is really unable to understand as to why the Respondents have been sitting over the issue without giving due quietus since 12.01.2004, the date on which the petitioner made an application for the said purpose.

6. Hence, the Writ Petition is disposed of, with a direction to the Respondents to take a decision in this regard and pass a suitable order for alteration of the date of birth of the petitioner, within a period of two months from the date of receipt of a copy of this order, in the light of the order dated 06.07.2015 passed by the Madurai Bench of Madras High Court in the case of K.Sannasi vs. Veterinary Surgeon (Assistant Director), Veterinary Hospital, Periyakulam and others [W.P.(MD) No.2224 of 2014]. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

1.The Principal Chief Conservator of Forest,
Panagal Building, Saidapet,
Chennai-600 015.

2.The District Forest Officer,
Namakkal.

+1 cc to Spl Government Pleader Forest Sr.No. 65279
+1cc to Mr.L.Chandrakumar , Advocate SR.No. 65144

W.P.No.22150 of 2019

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A.SK(20/09/2019)