

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28719 of 2019

M.Nagarajan

..Petitioner

vs

1.The Commissioner of Sugars  
EVR Periyar Buildings  
690, Anna salai  
Chennai.

2.The Managing Director  
Tirutani Co-operative Sugar Mills Ltd.,  
Tiruvalangadu  
Tiruvallur District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2<sup>nd</sup> respondent to consider the representation of the petitioner dated 18.08.2018 for alteration of date of birth in his Service Register as 22.04.1962 and pass orders in accordance with law.

For Petitioner : Mr.S.Aravind Kumar

For Respondents : Mr.R.Bala Ramesh  
Special Government Pleader

ORDER

Writ Petition is filed for issuance of a Writ of Mandamus directing the 2<sup>nd</sup> respondent to consider the representation of the petitioner dated 18.08.2018 for alteration of date of birth in his Service Register as 22.04.1962 and pass orders in accordance with law.

2. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that he was appointed as Junior Clerk in the year 1984. Subsequently, his service was regularised on 16.09.1987. The petitioner came to know that his date of birth was mistakenly entered as 23.04.1961 instead of 22.04.1962 in the school certificate. Subsequently, the petitioner has made a representation dated 18.08.2019 to the 2<sup>nd</sup> respondent to enter his correct date of birth in the Service Register. However, till date, the petitioner's representation was not considered by the respondents. Hence, this writ petition.

4. Learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation and pass appropriate orders within the reasonable time.

5. A perusal of the records, it reveals that the petitioner entered service in the year 1984 and his service was regularised in the year 1987. As per Rule 49(b) of the Tamil Nadu State and Subordinate Services Rules, after a person has entered service, an application to alter the date of his birth as entered in the official records shall be entertained only if such an application is made within five years of such entry into service. In the present case, the petitioner has made a representation to the respondents for alteration of his date of birth on 18.08.2018 i.e., after a lapse of 34 years. Hence, this Court is not inclined to grant the relief sought for by the petitioner. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Sugars  
EVR Periyar Buildings  
690, Anna salai  
Chennai.

2.The Managing Director  
Tirutani Co-operative Sugar Mills Ltd.,  
Tiruvalangadu  
Tiruvallur District.

+1cc to Mr.Bala Ramesh, Advocate SR.84341  
+1cc to Mr.S.Aravind kumar, Advocate SR.83896  
+1cc to Spl Government Pleader (CO-OP) SR.85049  
+1cc to the Government Pleader SR.84533

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RGN(CO)  
CB(29/11/2019)



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