

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.33448 of 2019

G.Manickavasagam

... Petitioner

Vs.

1.The Inspector General of Registration
No.100, Santhome High Road
Chennai 600 004

2.The District Registrar
Office of the District Registrar
Karur

3.The District Registrar (Administration)
Office of the District Registrar
Mayiladuthurai
Nagapattinam District

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent herein to consider and pass appropriate orders on the petitioner's representation dated 03.06.2019.

For Petitioner : Mr.S.V.Karthikeyan

For Respondents : Mr.T.M.Pappiah, Spl. G.P.

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O R D E R

This writ petition has been filed by the petitioner to issue a Writ of Mandamus, directing the 1st respondent herein to consider and pass appropriate orders on the petitioner's representation dated 03.06.2019.

2.The petitioner was appointed as Junior Assistant with effect from 25.02.2010. The petitioner's date of birth was

entered as 01.07.1962 instead of 11.11.1963 which was his actual date of birth as per the hospital records. The petitioner was born on 11.11.1963 at Government Hospital, Thiruvarur and his birth was registered in the Thiruvarur Municipality vide certificate No.104/1963/1/00666 dated 28.11.1963. Hence the petitioner submitted an application dated 27.12.2010 to the 1st respondent through the 2nd respondent seeking alteration of date of birth in his Service Register. Since no action was taken, the petitioner made a representation to the 1st respondent and to the 3rd respondent, who is his in-charge officer. The 3rd respondent in his communication Na.Ka.No.1011/Aa1/2019 dated 04.04.2019 have forwarded the petitioner's representation to the 1st respondent for appropriate action and the same is pending without consideration by the 1st respondent. The petitioner has also made reminders to the 1st respondent on 03.06.2019 and 28.06.2019, but no orders have been received from the office of the 1st respondent. Hence, the present writ petition.

3.The learned counsel for the petitioner submitted that initially the petitioner made a representation on 27.12.2010 and thereafter on 03.06.2019, till date the same was not considered. Hence, he submits that it would suffice if a direction is issued to the 1st respondent to consider the representation of the petitioner within a reasonable time fixed by this Court.

4.The learned Special Government Pleader appearing for the respondents submitted that the application allegedly submitted by the petitioner on 27.12.2010 has admittedly not been served to the respondents and further no acknowledgment has been annexed with the typed set. The petitioner has given application to the Inspector General of Registration only on 27.03.2019. Further, it appears that the application submitted by the petitioner has been forwarded by the 2nd respondent to the Inspector General of Registration on 04.04.2019, which is beyond the stipulated period of five years. Hence, the claim of the petitioner cannot be considered as per Rule 49(b) of the Tamilnadu Establishment Rules. As per Section 59 & 60 of the repealed Act of Tamil Nadu Subordinate Service Act, 2016 the application for change of date of birth has to be made within five years. Accordingly, prays for dismissal of the writ petition.

5.The petitioner was appointed as Junior Assistant in the year 2010. According to him, he initially made application on 27.12.2010 to the respondents 1 and 2 for alteration of date of birth as 11.11.1963 instead of 01.07.1962. However, the petitioner has not established that the above said application was received by the respondent within a period of five years. However, the impugned order reveals that the petitioner made application only on 27.03.2019, which is beyond the period of

five years. Hence, the representation made by the petitioner cannot be entertained. Hence, I am not inclined to issue any direction to the respondents to consider the case of the petitioner. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To.

1.The Inspector General of Registration
No.100, Santhome High Road
Chennai 600 004

2.The District Registrar
Office of the District Registrar
Karur

3.The District Registrar (Administration)
Office of the District Registrar
Mayiladuthurai
Nagapattinam District.

+1cc to Mr.S.V.Karthikeyan, Advocate SR.100353
+1cc to the Government Pleader SR.100452

W.P.No.33448 of 2019

RR(CO)
CB(31/12/2019)

सत्यमेव जयते
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