



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.7346 of 2015

WEB COPY

R.Muthu Krishnan

... Petitioner

-Vs-

1.The Commissioner of Police,
City Police Office,
Linemedu, Salem-6.

2.The Principal Accountant General (A&E)
361, Anna Salai, Chennai-18.

3.The General Manager,
Human Resource Management,
BHEL, Trichy-14.

... Respondents

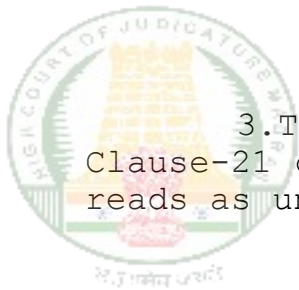
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to enter the petitioner's date of birth as 19.04.1978 instead of 16.07.1977 in service records and the 2nd respondent in the pension orders and directing the 3rd respondent to enter the petitioner's date of birth as 19.04.1978 instead of 16.07.1977 in the service records.

For Petitioner	: Mr.M.V.Venkataseshan
For R1	: Mr.D.Muruganantham
	Additional Government Pleader
For R2	: Mr.P.Gunasekaran
For R3	: M/s.P.Malani, for
	M/s.T.S.Gopalan & Co.,

ORDER

The relief sought for in the present writ petition is to direct the first respondent to enter the petitioner's date of birth as 16.07.1977, instead of 16.11.1978 in the service records.

2.The learned counsel appearing for the writ petitioner states that the petitioner is working in the Human Research Management (BHEL), Trichy. The petitioner states that his birth date was erroneously entered in his school records as well as in his service records as 16.07.1977, instead of 19.04.1978. On account of the erroneous entry of the date of birth in his service record and school records, the writ petitioner has approached the competent authorities and made an application to alter the date of birth. The said application was not considered by the third respondent. Thus, the petitioner is constrained to move the present writ petition.



3. The standing order of the Bharat Heavy Electricals Limited Clause-21 deals with the subject of date of birth and the said rule reads as under:

"21) Date of Birth:

Every employee must declare on his first appointment or on being required to do so by the Management, his date of birth according to the Christian Era and produce confirmatory documentary evidence, eg., Matriculation Certificate or Municipal / Police/Birth Certificate etc., and in the absence thereof such evidence as maybe acceptable to the management. If any employee is unable to produce documentary evidence of his age, he shall make a written declaration regarding his age. The date of birth once recorded in the service book/ Sheet of the employee as stated above will not be altered except in the case of clerical error, or on production of proof acceptable to the Management, provided that the proof is produced within one year of the date on which, the original date of birth was recorded in the service book/sheet."

4. The third respondent Company standing orders state that the date of birth once recorded in the service book of the employee, will not be alternated except in the case of clerical error or an acceptable production of proof to the Management provided that the proof is produced within one year, on which, the original date of birth was recorded in the service book.

5. Admittedly, the writ petitioner was working in the third respondent organizations from the year 1997. Even as per the petitioner, it is from the year 2012. However, the application which was submitted during the year 2014. This being the factum, the claim of the writ petitioner cannot be considered with reference to the standing order.

6. This apart, the alteration of the date of birth at the later point of time, cannot be engaged at all. The date of birth of the writ petitioner was admittedly recorded in his SSLC book originally at the age of 15 years. The date of birth entered in the SSLC book was continuing for many years. Thus, the alteration attempted to be made after a lapse of several years cannot be entertained at all. If at all the date of birth is to be altered the same must be altered without any undue delay. In all cases of alteration of the date of birth, the employees are allowing the date of birth to remain in all the records including the School records and college records for many years after serving considerable length of time they are developing a new idea to get more services with the Government or its organizations. Such an idea developed, will certainly cause infringement of equal opportunity to other candidates, who all are waiting to secure employment. The promotional opportunities of the other colleagues are also affected



in the event of extending the services of these persons by altering the date of birth.

7. Thus, once the date of birth is accepted in School records and recorded in the service records, after a lapse of many years, the same cannot be altered or modified. Only in the event of errors or mistakes, if any committed by the establishment at the time of entering the date of birth that mistakes or error alone can be corrected and alteration can never be permitted.

8. Under these circumstances, this Court is of the considered opinion that even as per the standing orders of the third respondent (BHEL) the application cannot be considered and this apart, the date of birth of the writ petitioner was entered in his SSLC book and maintained for several years and at this point of time, the same cannot be altered for the purpose of extending the services.

9. In view of the above, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Commissioner of Police,
City Police Office,
Linemedu, Salem-6.

2. The Principal Accountant General (A&E)
361, Anna Salai, Chennai-18.

3. The General Manager,
Human Resource Management,
BHEL, Trichy-14.

+1 CC to Mr. M. V. VENKATASESHAN, Advocate SR-73123.

+1 CC to SPL GP SR-73380.

+1 CC to Mr. P. GUNASEKARAN, Advocate SR-73308.

W. P. (MD) . No. 7393 of 2015
03.07.2019

CS: 17/07/2019 3P 7C