



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2019

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THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P(MD)No.21311 of 2014
and
M.P(MD)No.1 of 2014

P.Sabapathi

... Petitioner

Vs

- 1.The Director General of Police,
Law and Order,
Chennai.
- 2.The Deputy Inspector General of Police,
Tirunelveli Region,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the files of the second respondent pertaining to its order in Na.Ka.No.A1/12228/2010 dated 03.01.2011 and to quash the same and consequently direct the respondents to carryout necessary corrections in the service register of the petitioner regarding the date of birth as 05.11.1969 instead of 03.03.1968.

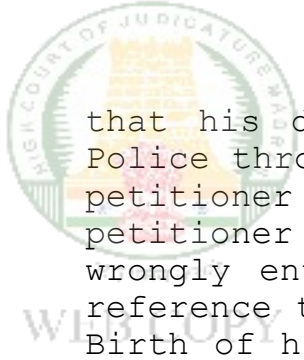
For Petitioner : Mr.S.C.Herold Singh

For R1 & R2 : Mr.M.Jeyakumar,
Additional Government Pleader

ORDER

The order of rejection issued by the second respondent in proceedings, dated 03.01.2011 rejecting the claim of the writ petitioner for alteration of Date of Birth, is under challenge in the present writ petitioner.

2.The writ petitioner was appointed as Sub-Inspector of Police on 16.04.1999. After entering into police service, the writ petitioner found that there are some discrepancy in the entry regarding his Date of Birth in the certificate. The writ petitioner states that he made an application on 26.04.2001 and the Sub-Registrar issued a Birth Certificate on 13.05.1999. Based on the Birth Certificate issued by the Sub-Registrar, the petitioner claims

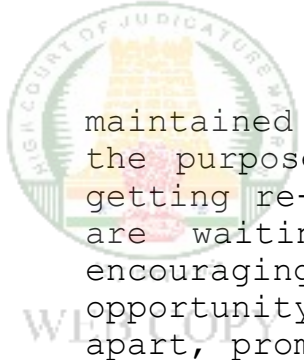


that his date of birth is to be altered. The Superintendent of Police through his communication, dated 13.03.2002 directed the writ petitioner to produce relevant records. Accordingly, the writ petitioner produced some records to show that his Date of Birth is wrongly entered and therefore, the same is to be altered. With reference to the claim, the writ petitioner referred to the Date of Birth of his brothers and sisters. However, the claim of the writ petitioner was rejected on the ground that in the event of altering the Date of Birth, the same is not tallying with the eligible age for the purpose of getting admission to the first standard. Accordingly, the claim was rejected as per General Rule 49(f).

3. This Court is of the considered opinion that the claim regarding the alteration of Date of Birth cannot be entertained in a routine manner. In the event of entertaining such claim for alteration of Date of Birth, the same will affect the seniority and promotional opportunity to other persons, who were appointed in the particular post.

4. The learned Additional Government Pleader appearing on behalf of the respondents states that the petitioner sought for alteration of his Date of Birth as 5.11.1969 based on the date of birth of his sibling. As per school records, he had admitted in first standard on 27.06.1973 mentioned his date of birth as 03.03.1968. It is believable that the petitioner was admitted in first standard after attaining the age of 5 years, as per the existing rules, whereas, the date of birth of the petitioner is considered as 05.11.1969, it would be construed that he was admitted in first standard on 27.06.1973 before completion of 5 years of age, which is against the provision for admitting a child in the first standard before completion of 5 years of age. Thus, his date of birth could not be considered as 05.11.1969 as per school records and accordingly, the Date of Birth 03.03.1968 is accepted as per school records.

5. This Court is of the considered opinion that the procedure followed for the purpose of obtaining the Date of Birth from the Sub-Registrar has not been stated clearly in the writ petition. No proper enquiry was conducted before issuing Birth certificate by the Sub-Registrar. A certificate was issued in Form-9 based on the application submitted by the writ petitioner and no detailed enquiry with reference to the documents or records were not considered. This apart, the Date of Birth has originally entered in his school record as 03.03.1968. The petitioner had completed his S.S.L.C., longback and thereafter pursued his graduation course. All along, the date of birth was mentioned as 3.3.1968. Even during the selection for appointment to the post of Sub Inspector of Police, the writ petitioner had produced the school certificate and mentioned his date of birth as 03.03.1968. In such circumstances, suddenly, the writ petitioner set out a claim for alteration of date of birth only with an idea to gain more service in the Police Department. Such claim cannot be encouraged by the Courts. Once the Date of birth is entered in the S.S.L.C., certificate and



maintained for number of years, then, the same cannot be altered for the purpose of getting extension of service. Such practice of getting re-employment are to be deprecated. Large number of youths are waiting to secure public employment. In the event of encouraging such actions for altering the date of birth, then the opportunity of many such un-employed people are affected. This apart, promotional opportunity of candidates who were appointed are also affected. In the event of altering the date of birth promotional opportunity to other police personal will also get affected. Under these circumstances, such claims of alteration of date of birth cannot be entertained after a lapse of many years.

6. This Court is of the considered opinion that the manner in which the application is made by the writ petitioner itself cannot be accepted in view of the fact that the certificate issued by the Sub Registrar based on the application submitted by the writ petitioner. Such certificate was issued without following procedures or conducting detailed enquiry. Therefore, the certificate of the date of birth issued after a lapse of 31 years from the date of birth of the writ petitioner without any enquiry, cannot be taken into account for the purpose of altering the date of birth of the writ petitioner.

7. This being the legal principles to be followed, this court is of the considered opinion that the very claim set out by the writ petitioner based on the Birth Certificate issued without conducting any enquiry, is untenable and the reasons stated by the respondents in the impugned order is also logically correct and therefore, the writ petitioner has not made out any acceptable legal grounds for the purpose of granting the relief as such sought for in the present writ petition.

8. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Director General of Police, Law and Order, Chennai.
2. The Deputy Inspector General of Police, Tirunelveli Region, Tirunelveli.

+One cc to Mr.S.C.Herold Singh, Advocate, SR.No.74426

+One cc to The Special Government Pleader, SR.No.74517