

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 21435 OF 2013

Dr. V.Purushothaman

.. Petitioner

- Vs -

Tamil Nadu Veterinary & Animal
Sciences University, rep. By
its Registrar
Madhavaram Milk Colony
Chennai 600 051.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the proceedings of the respondent made in F.No.18875/A1/2012 dated 4.3.2013 and quash the same and consequently direct the respondent to alter the petitioner's date of birth as 5.8.1954 instead of 5.8.1953 in his service register and grant all attendant benefits.

For Petitioner : Mr. S.Thirumavalavan

For Respondents: Ms.Divyadarshini

ORDER

The petitioner entered into service as Assistant Lecturer in the Directorate of Veterinary Education and Research on 29.3.1976. After joining the service, the petitioner noticed that the date of birth entered in the school certificate is not his original date of birth. Therefore, the petitioner made an application to the Board of Revenue through the Directorate of Veterinary Education and Research for altering the date of birth.

2. In the meantime, the Directorate was merged with the Tamil Nadu Agricultural University. The Board of Revenue, by its letter dated 26.9.1979, declined to alter the date of birth of the petitioner, as he was not a government servant. Therefore, the petitioner made an application dated 16.11.79 to

the University seeking alteration of date of birth. The University directed him to obtain a civil court decree altering the date of birth, which the petitioner duly complied with. However, in the interregnum, the Tamil Nadu Agricultural University was bifurcated and, thereby, the request of the petitioner for alteration of date of birth could not be carried out. In spite of repeated representations, as no orders have been passed, the petitioner has moved this Court by filing the present petition.

3. Learned counsel appearing for the petitioner, while reiterating the points raised in the grounds, submitted that even after the petitioner obtaining the civil court decree altering his date of birth, the respondents have not positively considered his representation. In fact, the petitioner has submitted his application for alteration of date of birth within the prescribed period and, therefore, the inaction on the part of the respondent cannot be put against the petitioner. Therefore, he prayed for allowing the petition.

4. On the above contentions, this Court heard the learned counsel appearing for the respondents, who submitted that the petitioner, though was asked to get the date of birth in the SSLC certificate corrected, has not placed any materials to show that his date of birth has been corrected in the SSLC certificate.

5. A perusal of the materials available in the typed set reveals that representation was initially made on 16.11.79 before the Registrar, Tamil Nadu Agricultural University and the said request of the petitioner for alteration of date of birth was returned on 24.11.79 with a direction to the petitioner to have the alteration of the date of birth made in the SSLC Booklet first and, thereafter, the petitioner was directed to apply for alteration of the date of birth in the service records. Thereafter, the petitioner filed a suit in O.S. No.4074/1983, i.e., after a period of four years, on the file of the 7th Assistant City Civil Court, Chennai, impleading the Secretary, Education Department and the director of School Education as party and the trial court, after trial, decreed the suit on 21.11.84. Thereafter, the petitioner made a representation on 23.8.12 annexing the said decree obtained from the civil court. However, the representation of the petitioner was not considered and the same was rejected on the ground that the respondent is not a party to the litigation before the civil court.

6. Though it is the contention of the learned counsel for the petitioner that in pursuant to the direction of the respondent to obtain a decree from the civil court, which the petitioner has duly complied with, the case of the petitioner has been rejected cannot be accepted for reasons, which are two-fold. Firstly, the initial communication from the Registrar, Tamil Nadu Agricultural University in the year 1979, has categorically directed the petitioner to get the date of birth corrected in his SSLC book and no where in the said proceeding, the petitioner was directed to approach the civil court and get a decree having his date of birth declared. Secondly, the impugned proceedings as also the civil court decree clearly reveals that the respondent herein is not a party to the said proceedings and, therefore, the mere declaration of the date of birth of the petitioner would not entail necessary alteration in the service records, as has been categorically stated by the respondent in the impugned proceedings. Notwithstanding the fact that the petitioner has approached the civil court only in the year 1984, when way back in the year 1979, he was directed to get his date of birth altered in the SSLC book definitely has an impact against the petitioner, however, this Court is not delving into the said issue.

7. In the above circumstances, this Court is not in a position to agree with the submissions advanced by the learned counsel for the petitioner and, accordingly, is of the considered opinion that no interference is called for with the impugned proceedings passed by the respondent.

8. For the reasons aforesaid, this writ petition is devoid of merits and, accordingly, the same is dismissed. However, in the circumstances of the case, there shall be no order as to costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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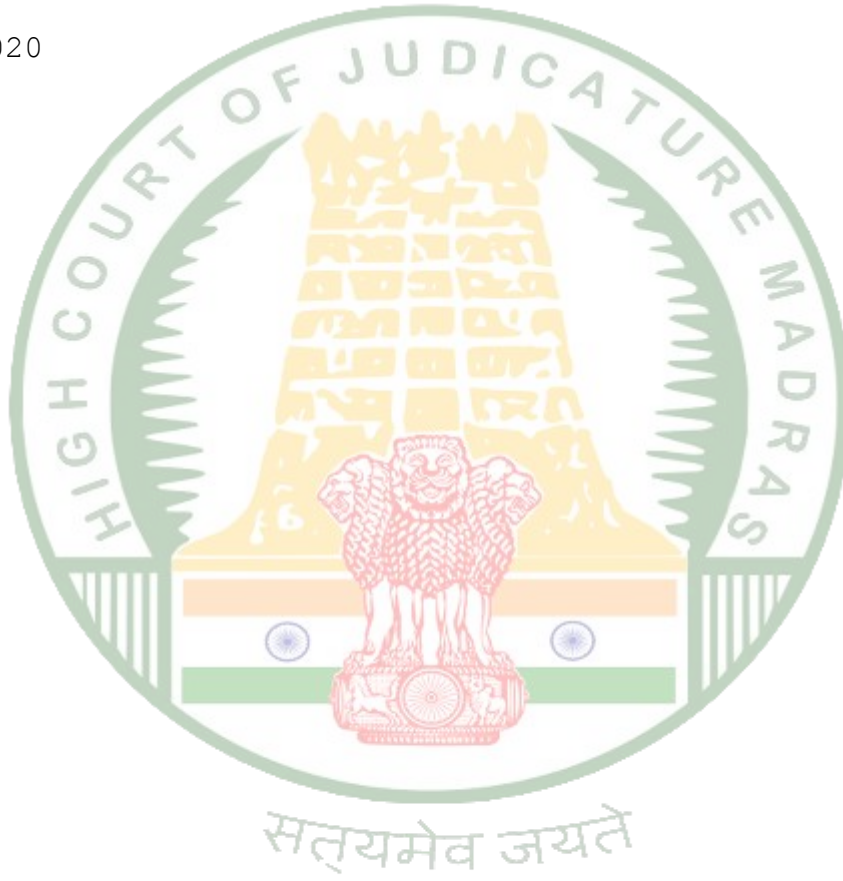
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To

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