IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 30.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.35451 of 2019
and
W.M.P.No.36277 of 2019

K.Shanmugam ...Petitioner

Vs

1.The Director of Public Health and
Preventive Medicines,
Teynampet, Chennai - 600006.

2.The Deputy Director of Health Services,
Villupuram District.

3.The Special Commissioner and
Commissioner for Revenue Administration,
Ezhilagam, Chepauk,
Chennai - 600005.

4.The District Registrar,
Tindivanam,
Villupuram District.

5.Mr.A.Aejaz Ahmed,
Additional Secretary to Government
Personnel Officer,
O/o The Director of Public Health and
Preventive Medicine,
Teynampet, Chennai - 600006. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records on the file of the first respondent in R.No.16/MP1/S1/2019 dated 27.11.2019 and quash the same and direct the respondents to reconsider petitioner's application for alteration of date of birth as 15.8.1965 instead of 15.08.1961 as could be evidenced from the certificates produced by the petitioner particularly the birth certificate, the genuineness of which is certified by the fourth respondent in his letter dated 22.08.2016 and pass appropriate orders and grant all service and monetary benefits to the petitioner in accordance with law.

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For Petitioner : Mr.S.Selvathirumurugan

For Respondents: Mr.P.S.Siva Shanmugasundaram
Special Government Pleader
for R1 to R3

Mr.T.M.Pappiah
Special Government Pleader
for R4

O R D E R

This writ petition has been filed challenging the order passed by the 1st respondent dated 27.11.2019 refusing to entertain the application filed by the petitioner seeking for alteration of date of birth.

2.The case of the petitioner is that his actual date of birth is 15.08.1965 and this was wrongly entered in the service register as 15.08.1961. The petitioner entered service on 08.03.2012 and he submitted an application for alteration of date of birth on 14.09.2015. This application was submitted along with a copy of the birth certificate issued to the petitioner. There were lots of communications that took place and ultimately by impugned order dated 27.11.2019, passed by the 1st respondent, the application was refused to be entertained on the ground that certain important documents were not furnished by the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.

3.The learned counsel appearing for the petitioner submitted that the petitioner has submitted all the relevant documents to the respondents and the petitioner had been following up with the respondents right from the year 2015 onwards and for one reason or the other, the wrong date of birth that was entered in the service register is not being corrected. The learned counsel further submitted that the petitioner had submitted the application for alteration of date of birth within 5 years and therefore, the 1st respondent ought to have considered the application along with all the documents furnished and the date of birth must have been altered in the service register. The learned counsel submitted that due to the wrong entry made in the service register, the petitioner was retired from service on 31.08.2019. The learned counsel therefore submitted that the impugned order passed by the 1st respondent requires interference and a direction must be issued to the 1st respondent to pass necessary orders by altering the date of birth of the petitioner and permit the petitioner to join back in service.

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4.Per contra, Mr.P.S.Siva Shanmuga Sundaram, learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the petitioner was asked to submit three important documents for considering his application for alteration of date of birth. The learned counsel further submitted that (i) the details of brothers and sisters in the order of birth or the death, (ii) education certificate, proof for joining school, the school certificate from 2nd standard to 12th standard, (iii) the declaration of parent with authority that no child was born on the date entered in the school certificate, are required by the 1st respondent, in order to take a decision with regard to the application that has been submitted by the petitioner.

5.This Court has carefully considered the submissions made on either side and the materials available on record.

6.The learned counsel for the petitioner submitted that the documents sought for by the respondents will be furnished within a period of 2 weeks from today.

7.The petitioner is directed to furnish all the three documents that has been sought for by the 1st respondent within a period of 2 weeks from today. The 1st respondent, on receipt of the documents from the petitioner, shall pass appropriate orders within a period of 4 weeks thereafter.

8.This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Hvk

To

1.The Director of Public Health and
Preventive Medicines,
Teynampet,
Chennai - 600006.

2.The Deputy Director of Health Services,
Villupuram District.

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3.The Special Commissioner and
Commissioner for Revenue Administration,
Ezhilagam, Chepauk,
Chennai - 600005.

4.The District Registrar,
Tindivanam,
Villupuram District.

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NM(CO)
GN(03/02/2020)

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