



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition (MD)No.13716 of 2020

WEB COPY
M.Murugan

... Petitioner

Vs.

1.The Director of Collegiate Education,
Chennai 600 006.

2.The Joint Director of Regional Collegiate Education,
Race Horse Road,
Khajamali,
Trichy 23.

3.The Principal,
Government Arts College,
Thuvakudimalai,
Tiruchirapalli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to effect alteration of date of birth of the petitioner in the service register of petitioner as 16.03.1968 instead of 30.05.1966, on the basis of the representation of the petitioner dated 10.08.2020, within the time frame fixed by this Court.

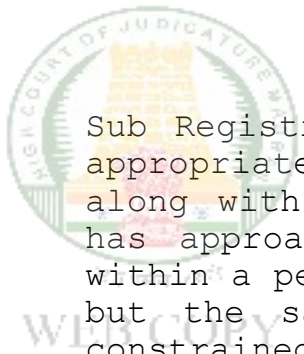
For Petitioner	: Mr.B.Saravanan
For R1 & R2	: Mr.N.Shanmugaselvam Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The present writ petition has been filed challenging the lapse on the part of the first respondent in disposing of the representation of the petitioner, dated 10.08.2020.

3. Originally, the petitioner was appointed as Assistant Professor in the Department of Physics at the third respondent Government Arts and Science College on 26.12.2007. At the time of joining, his date of birth was wrongly entered in the official records as 30.05.1966, whereas his correct date of birth is 16.03.1968. He has obtained the correct birth certificate from the



Sub Registrar, Kulithalai on 21.11.2011. Subsequently, he filed an appropriate application before the first respondent on 13.12.2011, along with the birth certificate. Therefore, according to him, he has approached the first respondent to change his date of birth within a period of five years from the date of joining into service, but the same was not considered. Therefore, the petitioner was constrained to approach this Court by filing the writ petition in W.P.(MD).No.3079 of 2014, wherein this Court was pleased to issue direction to the first respondent, on 24.02.2014, to dispose of the application of the petitioner, dated 12.12.2012. Consequent to the order of this Court, the first respondent has disposed of the application on 07.05.2014 and rejected the same on the ground that the application was not in format and requested the petitioner to file an application in the prescribed format. Therefore, he filed an application in the prescribed format as narrated by the first respondent, on 03.11.2017. But the same was not considered so far. Hence, he made a representation to the first respondent on 10.08.2020 and the same is still pending. Hence, the petitioner has come forward to file this writ petition.

4. Mr.N.Shanmugaselvam, learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the said representation is pending for consideration.

5. In view of the above facts and circumstances, this Court is of the considered view that absolutely there is a delay in decision making process on the part of the first respondent and consequently falls under the judicial review of this Court under Article 226 of the Constitution of India. Therefore, this Court directs the first respondent to dispose of the representation of the petitioner, dated 10.08.2020, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



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+1 CC to Mr.B. SARAVANAN, Advocate (SR-19262[F] dated 07/10/2020)

+1 CC to SPL GP (SR-19301[F] dated 07/10/2020)

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VB (22.10.2020) 3P 6C