

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.02.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.6610 of 2015
& M.P.No.1 of 2015

P.Arun Karthik

... Petitioner

Vs.

1. The Director General of Police,
Kamarajar Salai, Chennai - 600 005.
2. The Deputy Commissioner of Police,
Armed Reserve Police, Pudupet, Chennai - 600 002.
3. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
'Chengalvaraya Naicker Maligai',
Anna Salai, Chennai - 600 002. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the second respondent to consider and dispose of petitioner's representation dated 27.02.2015 regarding correction of date of birth in the service records as per Rule 49 of the Tamil Nadu State and Subordinate Service Rules within a time frame.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Mr.S.Thangavel
Special Government Pleader for R1-2,
Mr.S.Kadhirvelu
Special Government Pleader for R3

ORDER

This writ petition has been filed to direct the second respondent to consider the petitioner's representation dated 27.02.2015 with regard to the correction of date of birth in his service records.

2. According to the petitioner, he joined as Grade II Police Constable on 01.02.2011. After training, he was posted to Armed Reserve, Chennai Police. At the time of joining, he gave his date of birth as 17.04.1985 as found in his Secondary School

Leaving Certificate. On coming to know that his real date of birth is 06.03.1986 through his mother, he obtained a birth certificate from the Attur Municipality. While so, the Tamil Nadu Uniformed Services Recruitment Board issued a notification dated 08.02.2015, for the direct recruitment to the post of Sub Inspectors of Police mentioning the age limit for MBC candidates as 30 years. As per the same, the petitioner was eligible to apply for the same and hence, he made a representation dated 27.02.2015 to the second respondent to alter his date of birth in the service register pertaining to him, but no action was taken immediately. Since the last date for receipt of the application for recruitment to the post of Sub Inspector of Police was on or before 10.03.2015 and his representation seeking alteration of date of birth was kept pending, the petitioner has come forward to file this writ petition for the aforesaid relief.

3. Upon notice, the second respondent filed a detailed counter affidavit, wherein it is inter alia stated that as per the SSLC and HSC submitted by the petitioner, the date of birth has been entered in his service register as 17.04.1985; and only after the issuance of notification by the Tamil Nadu Uniformed Services Recruitment Board on 08.02.2015, he has hurriedly approached the Attur Municipality and obtained a copy of the birth certificate on 28.02.2015, showing his date of birth as 06.03.1986 and said to have submitted a representation on 27.02.2015 requesting to alter his date of birth. It is further stated therein that as per Rule 49(a) of the Tamil Nadu Police Subordinate Service Rules, the representation if any received for alteration of date of birth from the petitioner will be forwarded to the Commissioner of Revenue Administration for a report, after investigation and on receipt of such report from the Commissioner of Revenue Administration, the case of the petitioner will be considered.

4. Heard both sides and perused the records.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the second respondent to consider the representation dated 27.02.2015 submitted by the petitioner, if not already considered and pass appropriate orders, after following due formalities in accordance with law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of. Consequently, connection miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

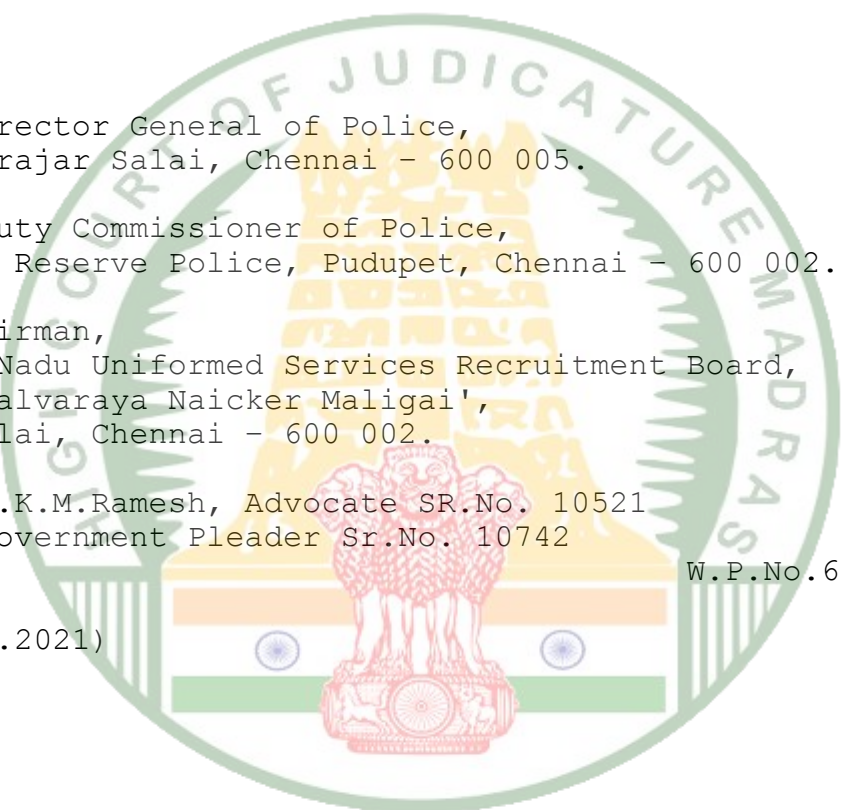
vrc
To

1. The Director General of Police,
Kamarajar Salai, Chennai - 600 005.
2. The Deputy Commissioner of Police,
Armed Reserve Police, Pudupet, Chennai - 600 002.
3. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
'Chengalvaraya Naicker Maligai',
Anna Salai, Chennai - 600 002.

+1cc to Mr.K.M.Ramesh, Advocate SR.No. 10521
+1 cc to Government Pleader Sr.No. 10742

W.P.No.6610 of 2015

ss(CO)
A.SK(09.07.2021)



सत्यमेव जयते

WEB COPY