

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.5612 of 2014

G.Senthilkumar

..... Petitioner

Vs

1.The Principal Commissioner and
Commissioner for Revenue
Administration,
Chepauk,
Chennai 600 005.

2. The Director,
Directorate of Collegiate Education,
E.V.K.S. Sampath Maligai,
Chennai - 600 006.

.....Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 2nd respondent to pass final order on the application dated 13.09.2013 which was made for alteration of date of birth from 04.05.1973 to 16.02.1974 within the time stipulated by this Court.

For Petitioner : Mr.N.Kolandaivelu

For Respondents : Mr.R.Selvam, GA for R1
Mr.Akil Akbar Ali, GA for R2

ORDER

According to the petitioner, he made an application on 13.09.2013 for alteration of date of birth from 04.05.1973 to 16.02.1974, to the second respondent, well within the period as prescribed under Rule 49(b) of the Tamil Nadu State and Subordinate Service Rules, through the Principal, Government Arts College, Salem-7, where he is serving. However, the said application was not considered, till date. Hence, the present writ petition came to be filed seeking a direction to the second respondent to pass final order, on the said application, within a time frame to be stipulated by this Court.

2.Upon notice, the second respondent filed a detailed counter affidavit, inter alia stating that in the application dated 13.09.2013 submitted by the petitioner, no copies of evidence or documents were produced to substantiate his claim for alteration of date of birth and hence, the same was returned vide letter Dis.No.51440/C4/2013 dated 04.04.2013 to the Principal, Government Arts College, Salem-7. It is specifically stated therein that the second respondent has not denied nor refused to entertain the request of the petitioner and the petitioner has to resubmit his application with connected evidences and documents to the second respondent through the Principal of the College.

3.Today, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that due to inadvertent mistake, the petitioner failed to enclose the relevant documents at the time of submitting the application for alteration of date of birth and hence, he may be given liberty to approach the authority concerned with a fresh representation enclosing all the relevant documents.

4.With respect to the aforesaid submission made by the learned counsel for the petitioner, there is no serious objection on the side of the respondents.

5.Considering the submission now made by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondents, this Court permits the petitioner to submit a fresh representation enclosing all the relevant documents, along with a copy of this order to the respondents, within a period of two weeks from the date of receipt of a copy of this order. On such submission, the respondents shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of six weeks thereafter.

6.Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

msv
To

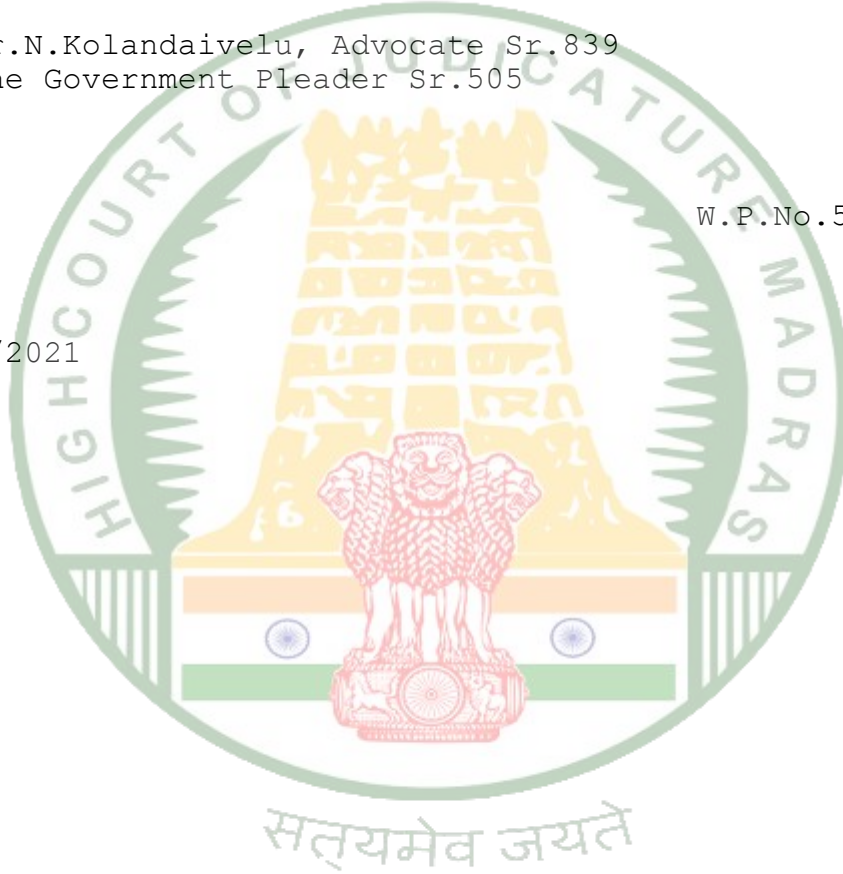
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+1cc to Mr.N.Kolandaivelu, Advocate Sr.839
+1cc to the Government Pleader Sr.505

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srg 19/02/2021



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