



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2022

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.7991 OF 2020

AND

W.M.P.NO.9436 OF 2020

L.Jeganathan

... Petitioner

.Vs.

1. The Deputy Registrar of
Co-operative Society,
Office of the Deputy Registrar
of Co-operative Society,
Ranipet Circle, Ranipet.

2. The Joint Registrar,
Office of the Joint Registrar
of Co-operative Society,
Vellore Collectorate Office Building,
Vellore Zone, Vellore.

3. The Administrator,
V.L.(Spl) 33,
Ayal Primary Agricultural
Co-operative Credit Society,
Ayal Village & Post,
Arakkonam Taluk,
Vellore District - 632 505.

... Respondents

PRAYER:-

This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 24.01.2020 and pass appropriate orders as expeditiously as possible, as this Court may deem fit and proper.

For Petitioner : Mr.K.Venkateswaran

For Respondents : Mr.A.Selvendran
Special Government Pleader



O R D E R

This Writ Petition has been filed to direct the first respondent to consider the petitioner's representation dated 24.01.2020 and pass appropriate orders as expeditiously as possible.

2. Brief facts of the case:

(i). The petitioner was born on 22.03.1963 and the same was registered in the records of the Vellore Municipality. At the time of admission into the School, the uneducated parents of the petitioner had given his date of birth as 02.03.1962 instead of 22.03.1963.

(ii). Further, he was appointed as a Vendor in Vegetable Co-operative marketing Society, Sholingur on 26.10.1985 and thereafter promoted as Clerk in the said Society till the said Society was abolished in the year 1998. Thereafter, he was absorbed in Primary Agricultural Co-operative Credit Society as a Sales man from the year 1998 and promoted as clerk on 01.01.2008. Further, he was sent in deputation to Arakonam Co-operative Urban Bank Ltd., on 20.06.2017 and on account of Administrative reason, he again sent back to the third respondent Society on 31.12.2019. In the mean time earlier Secretary of the third respondent Society was transferred but the petitioner had not brought to his knowledge with regard to the discrepancy in his date of birth. Therefore, the petitioner has given a representation to the respondents on 24.01.2020 vide registered post, regarding the alteration of his date of birth as per the records found in the Vellore Municipality in the Service Register maintained by the first respondent. But the respondents have not considered the petitioner's representation. The petitioner has attained the age of Superannuation on 31.03.2020. Further, if the petitioner's representation is considered by the first respondent, the petitioner's superannuation would be postponed for one more year and he can avail benefit of the same. Hence, present writ petition.

3. The learned counsel appearing for the petitioner submitted that as per the school records, the date of birth of the petitioner is mentioned in the service register as 02.03.1962 but the as per the records of the Vellore Municipality the date of the petitioner is 22.03.1963 and hence, the petitioner has made a representation on 24.01.2020 to the respondents to alter his date of birth in the Service Register as per the records of the Vellore Municipality. Further, he has also filed the date of birth certificate as per the records of



the Vellore Municipality in the typed set of papers before this Court. Therefore, the learned counsel for the petitioner submitted that the petitioner is entitled for the alteration of date of birth in the Service Register under third respondent as per the records of the Vellore Municipality and also entitled for the service benefits.

4. The learned counsel appearing for the respondents strongly objected that the writ petitioner has submitted his date of birth as per the records of the Vellore Municipality only at the verge of his retirement on 31.03.2020 and he retired from the service on 31.03.2020 after attaining the age of super annuation.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. Taking into consideration the facts and circumstances of the case and the representation dated 24.01.2020 made by the petitioner before the respondent, the relief sought by the petitioner at the verge of his retirement cannot be granted as per the law laid down by the Hon'ble Supreme Court as well as this Court. For better appreciation, relevant portion of the decision rendered by the Hon'ble Supreme Court in Civil Appeal Nos.5720 & 5721 of 2021, dated 21.09.2021, in the case of Karnataka Rural Infrastructure Development Limited and Others Vs. T.P.Nataraja and Others is extracted hereunder:

"10.Considering the aforesaid decisions of this Court the law on change of date of birth can be summarized as under:

(i) application for change of date of birth can only be as per the relevant provisions/ Regulations applicable;

(ii) even if there is cogent evidence, the same cannot be claimed as a matter of right;

(iii) application can be rejected on the ground of delay and latches also more particularly when it is made at the fag end of the service and/or when the employee is about to retire on attaining the age of superannuation." (emphasis supplied)



7. Accordingly, this Writ Petition stands dismissed in the light of the Judgment of the Hon'ble Supreme Court in Karnataka Rural Infrastructure Development Limited and others' case (supra). No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Dua

To

1. The Deputy Registrar of
Co-operative Society,
Office of the Deputy Registrar
of Co-operative Society,
Ranipet Circle, Ranipet,
2. The Joint Registrar,
Office of the Joint Registrar
of Co-operative Society,
Vellore Collectorate Office Building,
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3. The Administrator,
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Ayal Primary Agricultural
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Ayal Village & Post,
Arakkonam Taluk,
Vellore District - 632 505.

+1cc to Mr.K.Venkateswaran, Advocate, S.R.No.9297
+1cc to the Government Pleader, S.R.No.9237

W.P.NO.7991 OF 2020 AND
W.M.P.NO.9436 OF 2020

PMK (CO)
PBS/09/03/2022