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W.P. No. 9660 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 9660 of 2023

A.Venkatachalam

... Petitioner

-VS-

1. The Deputy Registrar of Co-operative Societies,
Omalur Circle,
Omalur Post,
Salem District – 636 455.

2. The President,
No. 43, Pakalpatty Primary Agricultural
Co-operative Credit Societies Ltd.,
Pakalpatty Post, Omalur Taluk,
Salem District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to consider the claim of the Petitioner with regard to alteration of his date of birth from 24.05.1963 to 21.08.1964 in his service record and pass orders within a limited frame in the light of Petitioner's representation dated 21.12.2022.

For Petitioner : Mr. M.Govindan

For Respondents : Mr. K.Karthick Jeganath,
Government Advocate (for R1)

Mr. D.Gopal,
Government Advocate (for R2)



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ORDER

Heard Mr. M.Govindan, Learned Counsel for the Petitioner, Mr. K.Karthick Jeganath, Learned Government Advocate appearing for the First Respondent and Mr. D.Gopal, Learned Government Advocate appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that he had made a representation dated 21.12.2022 to the Second Respondent with regard to alteration of his date of birth from 24.05.1963 to 21.08.1964 in his service record placing reliance on the affidavit dated 06.03.1991 submitted by his mother along with horoscope, but as it did not evoke any response, he has filed this Writ Petition.

3. The Second Respondent has filed Counter-Affidavit dated 16.04.2023 resisting the claim by pointing out that the affidavit of the mother of the Petitioner as well as horoscope cannot be taken as authenticated documents for effecting any change in his date of birth in view of the decisions of the Hon'ble Supreme Court of India in *State of Punjab -vs- Mohinder Singh*



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[(2005) 3 SCC 702] and **Registrar General, High Court of Madras -vs-**

M.Manickam [(2011) 9 SCC 245]. The date of birth of the Petitioner has been recorded in his service record as 24.05.1963 relying upon the entries made in the Secondary School Leaving Certificate (SSLC) issued by the Department of Government Examinations under the authority of the Government of Tamil Nadu.

4. Apart from the aforesaid reasons explained by the Second Respondent, which deserves acceptance, it is not in dispute that the Petitioner has not taken efforts for alteration of his date of birth in his Secondary School Leaving Certificate (SSLC book), which was taken for recording his date of birth in his service record, at the time when he joined in the employment. Moreover, there is no acceptable explanation from the Petitioner for the inordinate delay in seeking alteration of the date of birth and that too at the fag end of his career. In such circumstances, the representation dated 21.12.2022 made by the Petitioner is not bonafide and does not merit consideration.



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In fine, the Writ Petition, which devoid of merits, is dismissed. No costs.

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Index: Yes/No

NCS: Yes/No

Note: Issue order copy by 06.10.2023.

To

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Salem District – 636 455.
2. The President,
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P.D. AUDIKESAVALU, J.

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