



W.P.No.27454 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.27454 of 2021
and W.M.P.Nos.28971 & 28972 of 2021

K.Baskar

...

Petitioner

/vs/

1. The Vice Chancellor,
Anna University,
Chennai – 600 025.

2. The Chairman of Syndicate,
Anna University,
Chennai – 600 025.

3. The Registrar,
Anna University,
Chennai – 600 025.

...

Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the Impugned order No.81478/PR14/1994, dated 07.09.2021 issued by the third respondent and quash the same and consequently direct the first and second respondents to place the petitioner's application in the syndicate for correction of date of birth submitted in 1996 along with the petitioner



W.P.No.27454 of 2021

correct birth certificate issued by the Revenue Administration, Government of Tamil Nadu for the consideration of the Syndicate and pass a suitable order to alter the date of birth in the Service Register as 02.07.1963 and permit the petitioner to continue in the service in Anna University as per the correct date of birth.

For Petitioner ... Mr.G.Murugendran
For Respondents ... No appearance

ORDER

This Writ Petition has been filed to quash the order No.81478/PR14/1994, dated 07.09.2021 issued by the third respondent and consequently direct the first and second respondents to place the petitioner's application in the syndicate for correction of date of birth and pass a suitable order to alter the date of birth in the Service Register as 02.07.1963 and also permit the petitioner to continue in the service in Anna University as per the correct date of birth.

2. The petitioner who joined as Lecturer in Anna University on 30.09.1991 has given a representation on 17.06.1996 to alter his Date of Birth from 10.12.1961 to 02.07.1963.



W.P.No.27454 of 2021

3. The learned counsel for the petitioner submitted that the Anna University General Service Statues prescribes the procedure for alteration of date of birth under regulation No.7(ii). For the sake of clarity the said regulation is extracted as under:

“Rule No.7 (ii). Alteration of Date of Birth: An application for alteration of Date of Birth will not be entertained if it is not made within a period of five years from the date of entry into service. Application received within a period of five years of entry into service will be disposed of by the Syndicate after causing an enquiry into the genuineness of the claim through the Revenue Department. The ultimate authority to decide whether or not to alter the Date of Birth pursuant to such an enquiry / recommendation vests with the Syndicate. The decision of the Syndicate in this regard is final.”

4. According to the said rule, it is the Syndicate which has to take a decision on the application for alteration of date of birth. However the third respondent has passed the impugned order on 07.09.2021 by stating that the application need not be considered at present. Challenging the same, the petitioner has filed the present petition by stating that the syndicate has to consider the application of the petitioner and not the third respondent.



W.P.No.27454 of 2021

WEB COPY 5. It is seen from the impugned order that the petitioner was not able to produce the birth certificate which shows the date of birth as 02.07.1963 as claimed by him. It is further stated that the applicant has taken 25 years to register his date of birth in the records and that is not acceptable. The petitioner had registered his date of birth only on 13.08.2021 in the records of Manjankaranai Village Panchayat.

6. According to the third respondent, the petitioner had created evidence subsequent to his representation suiting to his request for alteration of date of birth. Even according to the order of the third respondent, it has been stated that the petitioner's application need not be considered at present. Since the third respondent has chosen to reject the application at the threshold, the impugned order has been passed.

7. However the learned counsel for the petitioner submitted that the Revenue Authorities themselves have conducted an enquiry and given a recommendation. The third respondent is not satisfied in view of the



W.P.No.27454 of 2021

registration of date of birth of the petitioner only in the year 2021.

WEB COPY

8. Since the regulations says that it is the Syndicate which has to take a call despite the alteration of date of birth is by following due procedure, I feel it is appropriate if the matter be placed before the Syndicate for causing an enquiry as to the genuineness of the claim of the petitioner through the Revenue Department as contemplated under the regulations and give a disposal for the same. In order to facilitate the same, the impugned order can be set aside to the extent that the order stops the scope for further enquiry in this regard.

9. Irrespective of the merits which has to be considered to dispose the representation of the petitioner, the present writ petition has been filed only by questioning the competence of the authority who had passed the order. Under such circumstances, I feel it is appropriate to set aside the order of the third respondent and to direct the second respondent to take up the matter and dispose the same by passing appropriate orders within a stipulated time.



W.P.No.27454 of 2021

10. In the result, the writ petition is disposed and the order of the first respondent in Order No.81478/PR14/1994, dated 07.09.2021 is set aside only to the extent that the order stops the scope for further enquiry in this regard. The second respondent is directed to take up the matter and dispose the same by passing appropriate orders within a period of four weeks by following due procedure contemplated under Rule 7(ii) of General Service Statutes of Anna University. No costs. Connected miscellaneous petitions are closed.

15.11.2023

Index: Yes / No
Speaking order / Non-speaking order
bkn



W.P.No.27454 of 2021

To:

WEB COPY

1. The Vice Chancellor,
Anna University,
Chennai – 600 025.
2. The Chairman of Syndicate,
Anna University,
Chennai – 600 025.
3. The Registrar,
Anna University,
Chennai – 600 025.



WEB COPY



W.P.No.27454 of 2021

R.N.MANJULA ,J.

bkn

W.P. No.27454 of 2021

15.11.2023