



W.P.(MD)No.6123 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.6123 of 2018

W.M.P(MD).Nos.5970 and 5971 of 2018

K.Rajavel

... Petitioner

Vs.

1.The Principal Secretary,
Commissioner for Revenue Administration,
Ezhilagam, Chennai-5.

2.The Inspector General of Registration,
Chennai-28.

3.The Sub Registrar,
Sub Registrar Office,
Alwarthirunagari, Thoothukudi.

4.The Revenue Divisional Officer,
Tirunelveli.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned order of the first respondent



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in Letter No.RA3(3)/26165/2017 dated 27.12.2017 and quash the same as illegal and further, directing the respondents to alter the date of birth of the petitioner in his Service Record from 07.12.1959 to 11.11.1960 and the consequential benefits.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.M.Ramesh
Government Advocate

ORDER

This Writ Petition has been filed to call for the records relating to the impugned order of the first respondent in Letter No.RA3(3)/26165/2017, dated 27.12.2017, quash the same as illegal and direct the respondents to alter the date of birth of the petitioner in his Service Record from 07.12.1959 to 11.11.1960 and give consequential benefits.

2. The case of the petitioner is that the petitioner has participated in the Group-IV Examination conducted by the Tamil Nadu Public Service Commission in the year 2007 and got selected as Junior Assistant. His date of birth as per the Birth Certificate issued by the



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Tirunelveli Corporation is 11.11.1960. However, in the school records, his date of birth has been wrongly mentioned as 07.12.1959. After joining the duty as Junior Assistant, based on his school records, his date of birth has been wrongly entered in the Service Records as 07.12.1959. Hence, he made an application to the first respondent for altering his date of birth in the Service Records. While so, on 31.12.2017 the third respondent has issued an order of retirement treating his date of birth as 07.12.1959, by stating that his application has been rejected by the first respondent on 27.12.2017. Challenging the order passed by the first respondent, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner has entered into service in the year 2007 and retired from service on 31.12.2017. Since his date of birth has been wrongly entered in the Service Records, based on his School Records, he has made an application to the first respondent for alteration of his date of birth on 08.11.2013. However, without affording any opportunity of hearing to the petitioner before declining his claim, the impugned order



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has been passed by the first respondent and it is liable to be set aside.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5. The facts in the present case are not in dispute. Admittedly, the petitioner has made an application for alteration of his date of birth to the first respondent on 08.11.2013 and the same was rejected vide the impugned order dated 27.12.2017 by the first respondent. A perusal of the impugned order dated 27.12.2017 passed by the first respondent reveals that the name of the petitioner has been entered in the Birth Certificate on 28.10.2013 which was made on his request and after entering into the service, he has obtained the Birth Certificate from the Tirunelveli Corporation. Since no other concrete evidence has been produced by the petitioner before the first respondent to establish his date of birth as 11.11.1960, the first respondent has rejected the application of the petitioner. Moreover, the petitioner has retired from service on 31.12.2017. Therefore, the relief as sought for by the petitioner in the



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present writ petition cannot be granted by this Court.

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6. Accordingly, this Writ Petition is dismissed. No costs.

Connected miscellaneous petitions are also closed.

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NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To:

- 1.The Principal Secretary,
To Government of Tamil Nadu,
Department of Rural Development and Panchayat Raj,
Secretariat,
Chennai-600 009.
- 2.The Commissioner,
Directorate of Rural Development and Panchayat Raj Department,
Panagal Building,
Saidapet,
Chennai-600 015.
- 3.The Principal Accountant General,
Accounts and Establishment,
361, Anna Salai,
Teynampettai,

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Chennai-600 018.
4.The District Collector,
Thanjavur.



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