



W.P.No.34068 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.34068 of 2023
and W.M.P.No.20850 of 2024

M.Krishnasamy

... Petitioner

Vs

1. The Principal Chief Conservator of Forest,
Panagal Building, Saidapet,
Chennai – 600 015.

2. The Principal Secretary/
Commissioner of Revenue Administration,
Ezhilagam Building,
Chepauk,
Chennai – 600 005.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to pass orders regarding alteration of date birth from 10.02.1965 to that of 09.02.1967 in the Petitioner Service Register on the basis of the communications and correspondence vide Letter No.Pa.Mu.Va.Ni.3(3)/65507/2016 dated 08.08.2006; Na.Ka.No.1263/2017/Pa.1 dated 04.08.2017, Na.Ka.No. 3823/2017/P1 dated 03.08.2018, Letter No.Va.Ni.3(3)/311/2020 dated 17.05.2021 within a time to be stipulated by this Hon'ble Court.



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For Petitioner : Mr.L.Chandrakumar
for M/s.N.Premalatha
For R1 : Dr.T.Seenivasan
Special Government Pleader
For R2 : Mr.S.Balamurugan
Government Advocate

ORDER

This writ petition has been filed for direction directing the respondents to pass orders regarding alteration of date birth from 10.02.1965 to that of 09.02.1967 in the Petitioner Service Register.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner had joined as a Forester on 13.01.2000. Subsequently, he was promoted to the post of Forest Range Officer and further as Assistant Conservator of Forest. Immediately after joining, the petitioner made an application dated 12.01.2004 to rectify the date of birth from 10.02.1965 to 09.02.1967. It was forwarded to the first respondent. The first respondent forwarded the same to the second respondent. However, the second respondent failed to pass any order and



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as such, the petitioner was constrained to approach this Court in W.P.No.22150 of 2019. This Court, by an order dated 29.07.2019 directed the respondents to take a decision in this regard and pass a suitable order for alteration of the date of birth of the petitioner, within a period of two months from the date of receipt of a copy of the order. Thereafter, the second respondent sought for various documents through the first respondent, by its communication dated 17.05.2021. Thereafter, the petitioner submitted all the documents. However, so far, the second respondent did not consider the same and failed to pass any order.

4. A perusal of the status report submitted by the second respondent revealed that the petitioner made request only on 13.10.2021 seeking alteration of date of birth i.e., after a period of 21 years of his joining the Government duty. Therefore, the second respondent called for report from the first respondent so as to whether the petitioner had applied for alteration of date of birth, within a period of five years from the date of his appointment.



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5. A perusal of the communication dated 28.07.2017 from the Deputy Director, District Forest Office cum Deputy Director, Thiruppur revealed that the petitioner submitted an application for alteration of date of birth as early as on 12.01.2004. Thereafter, it was duly communicated to the District Collector, on 14.12.2004, thereby directed the District Collector to give report. In turn, the District Collector directed the Sub Collector, Gobichettipalayam to conduct enquiry and submit a report. Therefore, there was so many communications between the Revenue Department and Forest Department in respect of the petitioner's request for alteration of date of birth. Therefore, there is no dispute that the petitioner made an application for alteration of date of birth within a period of five years from the date of joining into the service. Therefore, the second respondent ought to have called for report from the concerned Sub Collector.

6. Therefore, the second respondent is directed to obtain a report from the concerned Revenue Divisional Officer with regard to the correct date of birth of the petitioner, within a period of four weeks from the date



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of receipt of a copy of this order. On receipt of the same, the first respondent is directed to correct the service records of the petitioner accordingly.

7. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

10.07.2024

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

mn

To

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Chennai – 600 015.
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Commissioner of Revenue Administration,
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