



W.P.(MD).No.2844 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.2844 of 2024

and

W.M.P(MD)Nos.2840 & 2842 of 2024

M.Murugan

... Petitioner

Vs

1.The Additional Chief Secretary cum Commissioner of Revenue
Administration,
Commissionerate of Revenue Administration,
And Disaster Management,
Chepauk,
Chennai-600 005.

2.The Director of Collegiate Education,
Directorate of College Education,
Institute of Advance Study in Education Campus,
577, Anna Salai,
Saidapet,
Chennai-600 006.

3.The Joint Director of Regional Collegiate Education,
Race Horse Road,
Khajamalai,
Trichy-23.

4. The Principal,
Government Arts College,
Thuvakudimalai,
Tiruchirappalli-22.



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5. The Revenue Divisional Officer,
Kulithalai,
Karur.

...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 impugned order passed by the 1st respondent in his proceedings in Lr.No.Va.Ni. 3(3)/01-04/458/2018 dated 25.10.2023 and quash the same as illegal and arbitrary and consequently directing the second respondent to effect alteration of date of birth of the petitioner in the service register of petitioner as 16.03.1968 instead of 30.05.1966.

For Petitioner : Mr.D.Kirubakaran

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader

ORDER

The instant writ petition has been filed by an Assistant Professor of a Government Arts College, challenging the proceedings of the first respondent dated 25.10.2023, wherein, a recommendation has been made to the second respondent that the request of the petitioner for alteration of date of birth may be rejected.

2. According to the learned Counsel appearing for the writ petitioner, the petitioner was appointed as an Assistant Professor in a Government College on 26.12.2007, and as per the Service Rules, within a period of five years from the



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date of joining application has been presented, an application was presented on 12.12.2012, seeking alteration of date of birth. Though, the request was made in the year 2012, the same was kept pending and finally under the impugned proceedings dated 25.10.2023, the Additional Chief Secretary cum Commissioner of Revenue Administration has sent a recommendation to the Director of Collegiate Education that his request for alteration of date of birth may be rejected.

3. According to the learned Counsel appearing for the writ petitioner, though the application has been presented within a period of five years and he had established the fact that his correct date of birth is 16.03.1968, as per the birth certificate, the first respondent has not properly considered the same. He has further contended that in his SSLC mark statement and other educational records, erroneously date of birth is mentioned as 30.05.1966, which is reflected in the service register. When the birth certificate reflects the date of birth of the petitioner as 16.03.1968, no further enquiry is called for. Therefore, the report of the first respondent recommending rejection of the request of the petitioner is liable to be set aside.



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4. Per contra, the learned Additional Government Pleader appearing for the respondents herein had contended that the second respondent herein as the appointing authority, has called for a report from the Revenue Department relating to the correct date of birth of the writ petitioner. After conducting an enquiry a report, which is recommendatory in nature, has been submitted by the first respondent to the second respondent. This report is recommendatory in nature and ultimate decision has to be taken only by the second respondent. Therefore, such a report cannot be challenged.

5. The learned Additional Government Pleader further contended that the proceedings of the second respondent dated 10.01.2024, to the Principal of College is only an intimation of the recommendatory report of the first respondent and it is not a final order passed, on the request made by the writ petitioner. Till such a final order is passed by the second respondent, the petitioner cannot have any cause of action to file a writ petition. Hence, he prayed for dismissal of the writ petition.

6. I have carefully considered the submissions made on either side and perused the materials available on record.



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7. The educational records and the Service Register Book of the writ petitioner reveal that the date of birth of the petitioner is 30.05.1966. However, according to the petitioner his correct date of birth is 16.03.1968, which is reflected in the birth certificate issued by the Sub Registrar Office, Kulithalai on 21.11.2011. It is the further contention of the petitioner that the application for alteration of date of birth has been presented on 12.12.2012, which is clearly within the period of five years from the date of appointment.

8. A perusal of the order impugned in this writ petition passed by the first respondent on 25.10.2023, reveals that it is only a report / recommendation of the first respondent to the second respondent who is the appointing Authority. As far as the alteration of date of birth is concerned, the jurisdiction is vested only with the appointing authority to take a decision. So far no decision has been taken by the second respondent.

9. In such circumstances, the petitioner cannot have any grievance over the report/recommendation of the first respondent dated 25.10.2023. Therefore, the writ petition is not maintainable and the same is liable to be dismissed. However, the petitioner is at liberty to submit his objection to the



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report/recommendations of the first respondent dated 25.10.2023, on or before

21.01.2025. After receiving the objections from the writ petitioner, the second respondent is directed to pass orders within a period of six weeks thereafter.

10. With the above said observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

11.12.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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R.VIJAYAKUMAR, J.

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