



W.P.(MD).No.20919 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20919 of 2023

M.Thandilingam

... Petitioner

Vs

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai.

2. The Tahsildar,
Thirupuvanam Taluk Office,
Sivagangai.

3. Aadhiswaran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent 1 and 2 to consider the petitioner's representation, dated 19.06.2023 and pass such other orders as deem fit and proper in the facts and circumstances of the case.

For Petitioner : Mr. S.Kumar

For Respondents : Mr.M.Siddharthan (R1,R2)
Additional Government Pleader

Mr.V.Malaiyendran (R3)



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ORDER

The present writ petition has been filed for the issue of a writ of mandamus, directing the respondent 1 and 2 to consider the petitioner's representation, dated 19.06.2023.

2.Heard, the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent. Perused the materials on record.

3.(i)The petitioner is a senior citizen and agriculturist. The third respondent is working as Village Assistant at VAO Office, Allinagaram Village, Thiruppuvanam Taluk, Sivagangai District. The petitioner came to know that, at the time of selection of Village Assistant the third respondent has produced a School Register, as if, he was born on 15.08.1963 and got his appointment.

(ii).The petitioner filed an application on 28.06.2022, under Right to Information Act, 2005 before the Tahsildar, Thiruppuvanam Taluk and



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sought for the details of the third respondent from the Service Roll Book, proof for date of birth given at the time appointment and other details relating to his age. On receiving the details through RTI, the petitioner came to know that the third respondent was appointed on 01.06.1995 as Village Assistant and the date of birth of the employee as per Service Book has been entered as 15.08.1963.

(iii).The petitioner made another application under RTI seeking information from the Thiruppuvanam Block Education Officer regarding the date of admission and transfer of Mr.Aadhiswaran available in the Admission Register of Panchayat Union School, Allinagaram, Thiruppuvanam.

(iv).The details shows that the third respondent was admitted in Class IV and left the school on 28.10.1982 from the VII Standard. As far as the date of birth of the third respondent is concerned the details in the information received under RTI is contradictory, when compared with the date of birth of his brother. According to the information, there is only a gap of five months between the third respondent and his brother. In this regard, the petitioner gave a representation to the respondents to take appropriate action. However, the same was not considered. Hence, this petition came to be filed.



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4.The learned Additional Government Pleader has filed a counter and submitted that the representation made by the petitioner has already been considered by the first respondent, vide proceedings, dated 24.06.2023 and the same has also been communicated to the petitioner herein. After appropriate enquiry, the same has been closed by recording the fact that the petitioner had made baseless allegations.

5.The learned counsel appearing for the third respondent submitted that the petitioner had made such representation only because of personal vengeance as against the third respondent and prayed for dismissal of the writ petition.

6.Since the representation submitted by the petitioner had already been disposed of by the second respondent vide proceedings, dated 24.06.2023 and regarding in-service matters, a third party is not entitled to make any allegations. Nothing survives for further adjudication in this writ petition.



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7. In view of the above, this writ petition stands dismissed. There

shall be no order as to costs.

09.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai.

2. The Tahsildar,
Thirupuvanam Taluk Office,
Sivagangai.



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L.VICTORIA GOWRI, J.

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