



W.A(MD) No.1311 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 20.09.2024

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.A(MD) No.1311 of 2018

R.Gurusamy

...Appellant

Vs.

1.The Chief Engineer Personnel,
TANGEDCO, 8th Floor
N.P.K.R.R. Maligai,
144, Annasalai,
Chennai02.

2.The Superintending Engineer,
M.E.D.C/METRO,
TANGEDCO,
K.Pudur, Madurai-7.

... Respondents

PRAYER: Writ Appeal filed under clause 15 of Letters Patent Act to set aside
order dated 30.01.2018 made in W.P(MD) No.300 of 2018

For Petitioner : Mr. B. Prasanna Vinoth

For R-1 : Mr.S.Arivalagan, Standing Counsel

For R-2 :Mr. G.Mathusuthanan, Standing Counsel



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JUDGMENT

The writ appeal has been filed questioning the judgment of the learned Single Judge dated 30.01.2018 in W.P(MD) No. 300 of 2018

2. The writ petitioner had been appointed in the office of the first respondent/Chief Engineer, Personnel,TANGEDCO as Technical Assistant on 03.09.1993. It is his contention that his date of birth 04.09.1970 but he found that it had been entered in the service register as 20.05.1970. It is the case of the appellant that both before the learned Single Judge and also before this Court he had given an applicaion on 10.10.1997 seeking correction of his date of birth. It is contended that this application has been given to the first respondent/ Chief Engineer, personnel/TANGEDCO, but however proof for giving such representation had not been filed either before the learned Single Judge or before this Court. It had been stated by the appellant that he had thereafter given a reminder after 19 years on 25.02.2016. The representation was rejected by order dated 14.03.2016 by the second respondent/ M.E.D.C/ METRO/ TANGEDCO/K.Pudhur, Madurai.

3. The writ petition should have been filed in the nature of certiorarified questioning that particular order dated 14.03.2016 but was filed in the nature



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of mandamus seeking a direction against the respondents to change the date of birth of the petitioner from 20.05.1970 to 04.09.1970.

4. When a quasi judicial order had been passed by the authorities, then such order should be questioned. A writ of Mandamus would not lie in the teeth of the order dated 14.03.2016. Additionally, it is also seen that the thrust of the case of the appellant was that he had given a representation on 10.10.1997 but no proof had been furnished either before the learned Single Judge or before this Court for forwarding of such application .

5. The learned Single Judge had therefore given two reasons for dismissing the writ petition namely that there had been no proof for giving representation within the stipulated period of five years from the date of joining service and that the order dated 14.03.2016 had not been challenged.

6. The learned counsel for the appellant stated that the order of the second respondent dated 14.03.2016 had been wrongly passed without calling for records from the office of the first respondent when the application had been given to the office of the first respondent. But however no explanation is given as to why the appellant had not taken up the issue from 10.10.1997 till



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2016 when he had, according to him given a reminder. There is no proof produced before the Court for giving the representation dated 10.10.1997.

7. The law is clear that a request for change in date of birth should be considered, the request should be given within a period of five years from the date of joining service. There is no proof produced for giving representation within the period of five years in the instant case. Hence we are not inclined to interfere with the order of the learned Single Judge.

8. The writ appeal stands dismissed. No costs.

9. If the petitioner is able to obtain credible proof for forwarding the representation dated 10.10.1997 he has every right to take up the issue in manner known to law.

(C .V.K.,J.) (J.S.N.P.,J.)
20.09.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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