



W.P.No.8932 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.8932 of 2019

L.Chinnaiya

... Petitioner

vs

1. The Commissioner,
Sugar Mills,
Periyar E.V.R. Complex,
Anna Salai, Nandanam,
Chennai - 600 035.

2. The Superintendent,
Perambalur Sugar Mills Ltd.,
Eraiur P.O.
Perambalur District,
Tamil Nadu - 621 133.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue Writ of Cetrriorari, to call for the records leading to the impugned proceedings of the second respondent dated 02.02.2018 in Na.Ka.No.184/2015/E1 and quash the same and consequentially direct the respondents to take note of the petitioner's date of birth as per the birth certificate produced by the petitioner and re-initiate the



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petitioner as Mazdoor in the second respondent Mill and pass orders.

For Petitioner : Mr.Anirud Narayen
for Ms.R.Ramya
For Respondents : Mr.E.P.Senniyangiri
Government Advocate for R1
Mr.R.Parthiban for R2

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the first respondent and the learned counsel for the second respondent and perused the records.

2. The case of the petitioner in brief is that, at the time of joining with the second respondent Mill as a daily wage labourer, his date of birth has been noted as 08.05.1958, while his actual date of birth is 02.07.1962.

3. The petitioner further contended that the aforesaid error in recording the date of birth on School records had occurred on account of his uncle



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representing him, at the time he being admitted into School.

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4. Further, the case of the petitioner is that after noticing the aforesaid omission, of wrong date of birth being entered into school record, he had approached the concerned District Court and obtained an order dated 22.03.2016, whereby, his correct date of birth has been declared as 02.07.1962.



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5. It is the further case of the petitioner that, on obtaining the said certificate correcting his date of birth, he had approached the respondent authority and sought for correcting/altering his date of birth in his records; and that the second respondent *vide* proceedings dated 30.01.2019, stated that the petitioner should have altered the date of birth within five years from the date of entering into service and as such, the application submitted by the petitioner to correct/alter the date of birth after 27 years of service, cannot be entertained; that the petitioner had submitted the application for change of date of birth only after being appointed as regular Mazdoor *vide* appointment letter dated 07.07.2015 and as such, the action of the respondent in refusing to correct/alter the date of birth of the petitioner in his record is illegal and arbitrary and thus, the impugned proceedings dated 02.02.2018 is liable to be quashed.

6. Counter affidavit on behalf of the respondent is filed.



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7. By the counter affidavit, it is contended that in the bio-data form submitted by the petitioner at the time of joining with the second respondent Mill, the date of birth has been mentioned as 08.03.1958 and the date of securing educational qualification of second passed has also mentioned as 03.06.1964.

8. By the counter affidavit, it is further contended that the petitioner, while filing the Suit *vide* O.S.No.671 of 2016, seeking correction of date of birth, did not implead the second respondent as a party, by mentioning that he is being employed with the said respondent and without impleading the second respondent as a party respondent to the aforesaid Suit, the petitioner had obtained the order in O.S.No.671 of 2016, wherein, only Sub Registrar, Valikandapuram has been arrayed as a defendant.

9. By the counter affidavit, the second respondent further contended that since, the petitioner initially joined the second respondent as daily wage labourer in



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the year 1982 and after putting in required year of service, his services have been regularized and he joined as Mazdoor on 10.07.2015, whereupon, his year of birth is recorded 1958, which has been duly entered in the service records maintained by the second respondent. Thus, the petitioner cannot now seek for change of date of birth at the fag end of his service.

10. I have taken note of the respective contentions as urged.



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11. The fallacy in the petitioner's contention would be evident from the fact that the petitioner, while seeking correction of his date of birth in the service records of the second respondent, had ignored to note that he joined the service of the second respondent in the year 1982, by showing his date of birth as he was born on 1958, thereby attaining the age of majority. The petitioner on the basis of the above age continued as a daily wage labourer till regularized as Mazdoor in the year 2015. However, the petitioner, while claiming his correct date of birth as 02.07.1962 in place of 08.05.1958, has forgotten the fact that if his correct date of birth being claimed now is taken into consideration, the petitioner would be minor when he had secured employment with the second respondent as a daily wage labourer. The petitioner, in order to secure the employment initially, having given a particular date of birth and deriving the benefit of such employment for a long period of 33 years.



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12. Further the petitioner at the time of his employment of daily wager or having regularized as Mazdoor had also given his date of birth as 1958, it is only thereafter, filed a suit seeking correction of his date of birth, without impleading the second respondent as a party/defendant in the Suit and obtained the order, on the basis of which, he is seeking for correction of date of birth in his service records. This act on part of the petitioner in the considered view of this Court cannot be permitted for the aforementioned reasons.

13. Further, the petitioner in the affidavit filed in support of the Writ Petition, at no place had mentioned about originally being employed with second respondent as daily wagerer since, the year 1982. On the other hand claimed that he having been appointed as Mazdoor in the year 2015, the application submitted for correction of date of birth recorded is within five years from entertaining into service of the second respondent. Thus, the petitioner has not only resorted to suppression but approached this Court by not making complete disclosure. Since,



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the petitioner has invoked the writ jurisdiction/equity jurisdiction by resorting to suppression, the petitioner is not entitled to for being granted any relief.

14. Further, the fact that the petitioner while securing the employment initially in the year 1982 had given as his date of birth as 1958, cannot ask for ignoring or claim the same as incorrect on his employment being regularized by the second respondent. Thus, viewed from any angle, this Court is of the view, this petition is devoid of merits and accordingly, dismissed with exemplary costs of Rs.5,000/- payable to the Madras High Court Legal Services Committee within a period of four weeks from the date of receipt of a copy of this order.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh

To

1. The Commissioner,

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T. VINOD KUMAR, J.

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