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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2025

CORAM

THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

W.P.No.23476 of 2025
and
W.M.P.Nos.26339 and 26341 of 2025

A.Sasikala ... Petitioner

Vs.

1. The Additional Chief Secretary/Commissioner of Revenue Administration,
   The Revenue and Disaster Management Department,
   Ezhilagam, Chepauk, Chennai – 600 005.

2. The District Collector,
   District Collector's Office,
   Salem Main Road,
   Dharmapuri District – 636 705.

3. The District Revenue Officer,
   District Collector's Office,
   Salem Main Road,
   Dharmapuri District – 636 705.

4. The Revenue Divisional Officer,
   Revenue Divisional Office,
   Dharmapuri District – 636 701. ... Respondents

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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order dated 13.12.2024 passed by the first respondent by and through his Letter No.Va.Ni.3(3)/744192/2013 and quash the same as illegal and consequently direct the first to fourth respondents herein to correct of date of birth of the petitioner from 17.06.1965 to 07.08.1966 and update the petitioner's date of birth in the official records.

For Petitioner	: Mr.Mukundan, Senior Counsel for Mr.D.Senthil Kumar
For Respondents	: Mr.N.Naveen Kumar, Government Advocate

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ORDER

The instant writ petition has been filed challenging the order dated 13.12.2024 passed by the first respondent.

2. The learned Senior Counsel appearing for the petitioner, in his usual dexterity, would contend that, the first respondent has passed the impugned order after a lapse of ten years from the date of receiving the final report. Therefore, apart from other contentions, on the score of long delay, the same

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needs to be interfered with. To substantiate the above contention, the learned Senior Counsel would contend that the petitioner was appointed as a Village Administrative Officer by direct recruitment on 19.03.2008, and according to Rule 49(B) of the Tamil Nadu State and Subordinate Services Rules, 1961 (hereinafter referred to as "the Rules" for short), the petitioner is entitled to correct her date of birth within a period of five years.

2.1. It is the specific contention of the learned Senior Counsel that such a request was made based on the birth certificate issued by the Dharmapuri Municipality. The order of the first respondent is based on surmises and conjecture, and did not consider the birth certificate. In support of his contention, the learned Senior Counsel relied upon the judgment of the Division Bench of this Court in the case of ***State of Tamil Nadu vs. M.T. Ganeshmoorthy,*** reported in ***2021 (2) LLN 383 (DB) (Mad.).***

3. Per contra, the learned Government Advocate appearing for the respondents would contend that the petitioner's father was a Government employee; therefore, he might not have given the wrong date while admitting in school. Further, though it is the contention of the learned Senior Counsel

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for the petitioner that she was born on 07.08.1966, she did not raise such a contention until 2012. Therefore, the finding of the first respondent that the request was made to extend her government service cannot be faulted, and that such a request was made after a period of 47 years of her birth. Hence, the learned Government Advocate prayed to dismiss the instant Writ Petition.

4. I have given my anxious consideration to the submissions made on either side.

5. The learned Senior Counsel would invite the attention of the application submitted by the petitioner within a period of five years, as contemplated under Rule 49(B) of the Rules, vide application dated 10.09.2012. Based on her application, the Tahsildar and the Revenue Divisional Officer completed the enquiry as early as between 2012-2014. However, the first respondent passed the order after 10 years in 2024. Whether the long delay has any bearing in the impugned order. Here the fact remains that the enquiry was conducted by the Tahsildar and the Revenue Divisional Officer; however, the first respondent merely perused the inquiry

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report and, based on the available material, passed the impugned order. Though there is a delay in passing the impugned order, the fact that the enquiry report submitted by the authority was well within time and their report to some extent favours the petitioner. But inspite of the same, the first respondent on independent appreciation of fact, rejected the petitioner's claim. Hence, this Court could not find any prejudice in the delay.

6. It is pertinent to mention here that whenever any order of the authority is subjected to judicial review, the extent of judicial review and interference is limited to the extent, to find out whether such order is perverse or without any evidence. In the case in hand, according to the finding, since the petitioner's father was a government employee and literate having education qualification upto X Standard, that too a Clerk in the District Elementary Education Office, he could not have given a wrong date of birth, is probable and appeals to this Court. As rightly observed, the petitioner's father being a Government servant, he would have known the importance of such date.

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7. The other reason assigned by the first respondent is that an application for change of date of birth had been given for the first time after 47 years of her birth. In fact, the authority found that the alleged birth certificate was obtained after five years from the date she joined service, and such a birth certificate was not with the petitioner prior in point of time. Apart from that, the authority has found that, as per G.O. Ms. No. 1692, dated 16.09.1960, the age for a child to join Ist Standard is, he or she must have completed five years. If the petitioner really born on 07.08.1966, during 1971, she was only 4 years and 10 months old, therefore, it would not have been possible for the petitioner to join Ist Standard during 1971. Based on the above probable reasoning, the first respondent has rejected the petitioner's claim. This Court fully accepts the above finding as the same is quite probable finding.

8. The learned Senior Counsel for the petitioner relied upon the judgment of the Division Bench of this Court in ***M.T. Ganeshmoorthy's case*** cited supra. According to the above reported case, the birth certificate of the candidate was not seriously disputed. But in the case in hand, considering the cumulative aspects, the authority raised suspicions over the birth

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certificate, as it was obtained after joining the service, and that too, after a period of five years. Such suspicions is well merited.

9. It is pertinent to mention here that, the power of judicial review is not like an appellate remedy to re-appreciate the entire evidence; in judicial review, this Court should only look into the perversity of the order or whether such an order is either in contravention of the available material or without any evidence. In this regard, this Court would like to refer to the following judgments:-

(i) ***B.C.Chaturvedi Vs. Union of India*** reported in ***(1995) 6 SCC 749***

(ii) ***Deputy General Manager (Appellate Authority) Vs. Ajai Kumar Srivastava*** reported in ***(2021) 2 SCC 61.***

(iii) ***The Indian Oil Corporation & Ors., Vs. Ajit Kumar Singh & Anr.,*** reported in ***2023 LiveLaw (SC) 478.***

Through the above judgements, the following principles are emerging:-

> (i) Power of Judicial review is not like an appeal. But such power is meant to ensure that the individual receives fair treatment and the compliance of natural justice.

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(ii) The power of judicial review is not like a appellate remedy to substitute its own finding, unless the findings of the Original Authority and Appellate Authority is perverse and without evidence.

(iii) The mere possibility to arrive at yet another finding, cannot be a reason to substitute the finding of the Authority.

(iv) The judicial review is meant only to ensure fairness in treatment and not to ensure fairness of conclusion.

(v) While exercising the power of judicial review, so long as there is some evidence to support the conclusion arrived at by the original authority, the same has to be sustained.

10. In the case on hand, the finding arrived at by the first respondent is a reasonable and probable conclusion, based on the available materials. Though there was a delay in passing the final order, that could not have caused any prejudice against the petitioner, as the first respondent passed the impugned order after taking into consideration of the report that had been prepared during 2014. Therefore, though the order was passed on the verge of the petitioner's retirement, it cannot be construed that the first respondent

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did not take into consideration the reports of his subordinates.

11. In view of the above discussion, this Court does not find any merit in the instant Writ Petition. Accordingly, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

28.07.2025

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Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No

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C.KUMARAPPAN, J.

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