

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3412 OF 2009
(Arising out of SLP(C) No. 17932 of 2008)

L. Muhammed Aslam

.....Appellant

Versus

State of Kerala Represented by Chief
Secretary and Ors.

.....Respondent

JUDGMENT

H.L. Dattu,J.

Leave granted.

1) This is an appeal by special leave against the judgment of High Court of Kerala dated 27.05.2008 in Writ Appeal No.965 of 2008. By the impugned order, the Division Bench of the High Court has affirmed the order passed by the High Court in Writ Petition No.6999 of 2008 dated 02.04.2008, wherein and whereunder, the Court, has set aside the order passed by the State Government dated 16.01.2008.

2) The Petitioner, at the relevant point of time, was working as Deputy Superintendent of Police, Immigration Wing, Calicut International

Airport. It is his assertion that in his School records, his date of birth was wrongly entered and therefore coming to know of the said mistake, he had requested the State Government to correct his date of birth as 12.01.1953 in the School records instead of 12.06.1954 and his request is favorably considered by the State Government vide its order dated 16.01.2008 and the same could not have been taken exception to by the High Court and therefore requests this Court in this appeal for appropriate orders and directions.

3) Having carefully perused the judgment and the order passed by the High Court, in our considered view, the Court has understood the purport, object and purpose of the Government order in the proper perspective and has correctly come to the conclusion that the State Government while considering the claim of the appellant could not have diluted its own order to assist the appellant who had not complied with the conditions stipulated in the Government order.

4) The only question that would arise for our consideration in this appeal is whether the High Court can sit in appeal over the decision of the State Government correcting the date of birth of an officer of the State Government. In our view, the judicial review of the Administrative action is now well settled by plethora of the decisions of this Court and

the references to those decisions and the observations made therein would be unnecessary in the facts and circumstances of this case.

5) In the result, we are of the considered opinion that there is no merit in this petition and, accordingly, it requires to be rejected.

6) In view of the above, the appeal is dismissed. Parties are directed to bear their own costs.

.....J.
[TARUN CHATTERJEE]

.....J.
[H.L. DATTU]

New Delhi,
May 08, 2009.

