

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.26012 of 2015

And

M.P.No.1 of 2015

G.Veeraiyan

... Petitioner

Vs.

- 1 State of Tamilnadu rep. by its
Secretary to Government School Education
Department Secretary Chennai-9
- 2 Director of School
Education Chennai-600 006
- 3 Director of Government
Examinations Chennai-6
- 4 District Educational Officer
Thanjavur Thanjavur District

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 and 3 to carry out the correction of date of birth of the petitioner as 2.12.1958 instead of 9.9.1957 in the school records and service register as per the judgment in O.S.No.466 of 1986 dated 31.10.1989 so as to enable the petitioner to continue in service up to 31.12.2016 with further extension of service up to 31.5.2017 and confer all the consequential benefits.

For Petitioner : Mr.C.Selvaraju
for M/s.C.S.Associates
For Respondents: Mr.S.Gunasekaran
Government Advocate

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner was appointed as Agricultural Instructor on 18.03.1980 and posted to Government High school, Koilvenni, Needamangalam which is then Thanjavur District. The petitioner

subsequently passed B.A.(Tamil) in the year 1986, B.Ed.(Tamil) in the year 1988 and he got promotion as B.T.Assistant (Tamil) on 07.09.1995 and posted at Government High School, Nambivayal, Pattukkottai Taluk, Thanjavur District. The petitioner has also passed M.Ed. (Tamil) during the year 2001 and further promoted as Head Master of High School on 03.09.2010 and posted as Supervisor in Block Resource Centre, Keezhvelur, Nagapattinam District which according to the petitioner is equal to the cadre of Head Master of High School.

3.The petitioner during the year 1986 came to know that his correct date of birth is 02.12.1958 whereas, in the school records, it has been entered as 09.09.1957 and in this regard submitted representation to the concerned authorities for rectifying the same and since it has not been positively responded, he filed suit in O.S.No.466 of 1986 on the file of the District Munsif, Mannargudi praying for declaration that his correct date of birth is 02.12.1958 and for mandatory injunction directing the defendants namely, Director of School Education, Chennai, District Educational Officer, Nagapattinam and Collector of Thanjavur District to alter the same in the relevant records. The suit after contest came to be decreed on 31.10.1989 and no appeal has been preferred against the judgment and decree and it has become final.

4.Thereafter, the petitioner has submitted representation to carry out the said correction in his service records and it has also been carried out. However, it remains un-altered in the school records and in this regard, the District Educational Officer namely, the fourth respondent has also addressed a letter in Na.Ka.No.3338/A7/2014 dated 07.07.2015 to the second respondent to carry out the same and it is yet to be done and therefore, the petitioner came forward to file this writ petition.

5.The learned counsel appearing for the petitioner would submit that admittedly, the Director of School Education was arrayed as the first defendant in the above said suit and therefore, he is equally bound by the decree passed in O.S.No.466 of 1986 by the Court of District Munsif, Mannargudi and would further submit that necessary proposal has been forwarded by the fourth respondent to the second respondent, but no steps have been taken and prays for appropriate orders.

6.This Court also heard the submissions of Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents.

7.Though the petitioner has prayed for a larger relief, this Court in the light of the facts and circumstances, directs the second respondent to act on the proposal submitted by the fourth respondent in Na.Ka.No.3338/A7/2014 dated 07.07.2015 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

8.The writ petition is disposed of accordingly. No costs.
Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary to Government State of Tamilnadu
School Education
Department Secretary Chennai-9
- 2 Director of School
Education Chennai-600 006
- 3 Director of Government
Examinations Chennai-6
- 4 District Educational Officer
Thanjavur Thanjavur District

+ 1 cc to Government Pleader Sr.44707
+ 1 cc to M/s. C.S. Associates, Advocate Sr.44549

W.P.No.26012 of 2015
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PUR(CO)
Eu 26.08.15

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