

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30430/2015 & M.P.No.1/2015

C.Govindaraj

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Petitioner

Versus

- 1.The Secretary,
Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai.
- 2.The Director of Tamil Nadu School Education,
DPI Campus, College Road, Chennai-600 006.
- 3.The Joint Director of Tamil Nadu School
Education Department,
DPI Campus, College Road, Chennai-600 006.
- 4.The Chief Educational Officer,
Office of the Chief Educational Officer,
Thanjavur.
- 5.The Head Master,
Government Higher Secondary School,
Panaykottai, Thanjavur District. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents 2 and 3 for correction of date of birth of petitioner as 02.04.1959 instead of 19.09.1957 held in the Service Register, S.S.L.C. Certificate or any other records with them as per Decree and Judgment in O.S.No.210 of 2003 dated 06.02.2007 passed by the District Munsif Court, Thanjavur.

For Petitioner : Mr.V.Sivakumar
For Respondents : Mr.V.Subbiah,
Special Government Pleader

O R D E R

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

2 The petitioner claims that he was born on 02.04.1959 at Raja Mirasuthar Hospital, Thanjavur and it was registered with the Thanjavur Municipality on 11.04.1959 and he was also issued with a Birth Certificate dated 17.08.1998 by the Commission, Thanjavur Municipality stating that the petitioner was born on 02.04.1959. The petitioner has passed M.Sc., M.Ed., and M.Phil and he joined the service as P.G.Assistant on 29.09.1997. On coming to know that his date of birth has been wrongly entered in the Service Register as "19.09.1957" instead of "02.04.1959", within 5 years from the date of entry into the service, he has filed a suit in OS.No.210/2003 on the file of the Court of the District Munsif, Thanjavur, praying for declaration, to declare that his date of birth is 02.04.1959 with all consequential and monetary benefits with a direction to correct the same in the SSLC Book and the suit, after contest, came to be decreed on 06.02.2007 and no appeal has been preferred as against the said Judgment and decree and it has become final and thereafter, the petitioner repeatedly submitting to the respondents and the respondents and the 5th respondent has also addressed a letter to the 4th respondent, forwarding the representation of the petitioner and since no orders have been passed, he came forward to file this writ petition.

3 Learned counsel for the petitioner would submit that treating the date of birth of the petitioner as 19.09.1957, he is to attain to age of superannuation on 30.09.2015a and hence, the 2nd respondent may be directed to pass appropriate orders and in the interregnum, the decision to retire the petitioner on the above date, viz., 30.09.2015, may be deferred.

4 This Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents, who would submit that it is not clear either from the affidavit or from the representation, whether the petitioner has approached the authority concerned to correct his date of birth within 5 years from the date of entry.

5 Though the petitioner has prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the 2nd respondent to consider and dispose of the petitioner's representations dated 01.06.2015 ; 31.08.2015 and 16.09.2015 on merits and in accordance with law after taking note of the Judgment and Decree dated 06.02.2007 made in OS.No.210/2003 on the file of the Court of the District Munsif, Thanjavur and pass orders within a period of three weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

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

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

AP

To

1. The Secretary,
Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai.
2. The Director of Tamil Nadu School Education,
DPI Campus, College Road, Chennai-600 006.
3. The Joint Director of Tamil Nadu School
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4. The Chief Educational Officer,
Office of the Chief Educational Officer,
Thanjavur.
5. The Head Master,
Government Higher Secondary School,
Panaykottai, Thanjavur District.

+ 1 cc to the Govt.Pleader SR 52904

+ 1 cc to Mr.V.Sivakumar, Advocate SR 52407

pa(co)
prk1/10

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