



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2015

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THE HONOURABLE MR. JUSTICE T. RAJA

W.P. (MD) No. 17154 of 2015

R. SURULIRAJAN

.. PETITIONER

Vs.

1 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS,
COLLEGE ROAD,
CHENNAI- 600 006.

2 THE JOINT DIRECTOR OF SCHOOL EDUCATION,
HIGHER SECONDARY (VOCATIONAL)
DPI CAMPUS,
COLLEGE ROAD,
CHENNAI- 600 006.

3 THE CHIEF EDUCATIONAL OFFICER
THENI DISTRICT,
THENI.

4 THE HEAD MISTRESS,
GOVT. GIRLS HIGHER SECONDARY SCHOOL,
CUMBUM,
THENI DISTRICT.

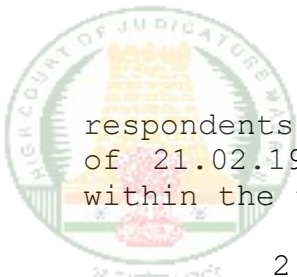
... RESPONDENTS

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Certiorarified Mandamus calling for the records pertaining to the order made in Na.Ka.No. 41131/ V1/E2/2014 dated 19.06.2015 passed by the 1st respondent and quash the same and consequently direct the 1st and 2nd respondents to alter the petitioners date of birth as 02.11.1973 instead of 21.02.1973 in his service register based on his birth certificate within the time stipulated by this Court and pass such further or other order or order as this Court may deem fit and proper in the circumstances of the case.

For Petitioner ... Mr.D.Sadiq Raja
For Respondents ... Mr.T.S.Mohamed Mohideen
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of writ of Certiorarified Mandamus calling for the records pertaining to the order made in Na.Ka.No.41131/V1/E2/2014 dated 19.06.2015 passed by the 1st respondent and quash the same and consequently direct the 1st and 2nd



respondents to alter the petitioners date of birth as 02.11.1973 instead of 21.02.1973 in his service register based on his birth certificate within the time stipulated by this Court.

2. By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. The petitioner joined the post of Computer Instructor on 10.11.2008 in the fourth respondent school. Immediately after knowing that his date of birth has been wrongly entered in the service register, the petitioner has given a representation 19.09.2012 to alter the date of birth in the service register as 02.11.1973 instead of 21.02.1973. In pursuance of the petitioner's representation, various communications were sent to the respondents. Lastly, the first respondent has rejected the request of the petitioner vide impugned order dated 19.06.2015 on the ground that the petitioner has submitted the application after five years of joining duty which is against the Rule 49 A of Tamil Nadu State and Subordinate Service Rules, which is incorrect and untenable, since the petitioner has given his representation well within 5 years from entering the service, hence, the impugned order is wrong and hence liable to be dismissed.

5. Learned Government Advocate appearing for the respondents in support of the impugned order submitted that the reasoning given for rejection of the petitioner's request for alteration of his date of birth that he has given representation belatedly on 10.06.2014 which is barred by time from the date of entry into service has to be accepted as the petitioner has belatedly presented his representation after five years.

6. In reply, Mr. Visvalingam, learned counsel appearing for the petitioner drawing my notice to the two communications dated 21.12.2012 and 24.09.2012, submitted that the aforesaid both communications clearly show that there is no delay in making representation, therefore the impugned order would demonstrate a complete non application of mind. This Court finds merits on the submission.

7. Admittedly, the petitioner entered into service on 10.11.2008. Thereafter he has given his first representation on 19.09.2012 requesting the alteration of his date of birth as 02.11.1973 instead of 21.02.1973. Accepting the said representation, the fourth respondent has forwarded the petitioner's representation to the third respondent by communication dated 24.09.2012 and the third respondent also sent the same to the fourth respondent on 21.12.2012 asking certain clarifications from the fourth respondent.

8. A reading of both communications clearly shows that the first respondent has committed serious mistake in reaching the conclusion that the petitioner has submitted the representation belatedly on 10.06.2014. Therefore, the impugned order is set aside.

9. Therefore, the respondents are once again directed to re-consider the issue afresh on the basis of the documents within a period of two months from the date of receipt of copy of this order. The



petitioner is directed to produce the copy of the order along with the copy of the representation.

10. With the above directions, this Writ Petition is disposed of. No costs.

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/True Copy/

Sd/-

Assistant Registrar (CSII)

Sub Assistant Registrar

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To,

- 1 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE ROAD, CHENNAI- 600 006.
- 2 THE JOINT DIRECTOR OF SCHOOL EDUCATION,
HIGHER SECONDARY (VOCATIONAL)
DPI CAMPUS, COLLEGE ROAD, CHENNAI- 600 006.
- 3 THE CHIEF EDUCATIONAL OFFICER
THENI DISTRICT, THENI.
- 4 THE HEAD MISTRESS,
GOVT. GIRLS HIGHER SECONDARY SCHOOL,
CUMBUM, THENI DISTRICT.

+1CC to Mr.D.Sadiq raja Advocate Sr.No.55965

+1CC to Spl.Government Pleader Sr.No.56114

GJM/JGB/DP/6.11.2015-3p-7C

W.P. (MD) No.17154 of 2015
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