

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.14594 of 2016

V.K.Thiruvengadasamy

.. Petitioner

Vs.

- 1.The Joint Director of School Education (Personnel),
College Road, Chennai - 600 006.
- 2.The Commissioner for Revenue Administration,
Chepauk, Chennai - 600 005.
- 3.The Chief Educational Officer,
Erode District, Erode.
- 4.The Revenue Divisional Officer,
Erode, Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the second respondent to forward an order and report to the first respondent as required under Rule 49(a) of the State and Subordinate Service Rules regarding alteration of date of birth and issue a consequential direction to the first respondent to pass orders on the order and report so sent by the second respondent regarding alteration of date of birth and to alter the petitioner's date of birth from 14.04.1958 to 14.04.1960 and to enter the same in the service register and allow the petitioner to remain in service till 14.04.2018 with all consequential benefits.

For Petitioner : Mr.R.Saseetharan
For Respondents : Mr.R.Vijayakumar,
Addl.Govt. Pleader

O R D E R

By way of filing this writ petition, the petitioner seeks a direction to the second respondent to forward the report to the first respondent as required under Rule 49(a) of the State and Subordinate Service Rules with regard to his alteration of date of birth.

2. At the age of 47, the petitioner was appointed as B.T. Assistant (Maths) as per the proceedings of the Joint Director of School Education (Personnel) dated 26.09.2007 and thereafter, he joined duty at the Government Higher Secondary School, Kumalankottai, Erode District, on 04.10.2007. However, it is the grievance of the petitioner that at the time of appointment, he has given wrong date of birth as 14.04.1958 as per the SSLC records, instead of 14.04.1960 as seen in the birth extract of Erode Municipality. Thus, as per Rule 49(a) of the State and Subordinate Service Rules, he made an application before the first respondent on 05.03.2012, through the third respondent, to alter his date of birth in the service register as per the entry made in the Birth Certificate. Thereafter, since the petitioner made an application within five years as per the said Rule, he was called upon to appear for enquiry on 10.03.2016 and accordingly, he has also appeared before the fourth respondent with the relevant documents. However, the only grievance of the petitioner is that though the fourth respondent has completed the enquiry, he has not passed final orders on such enquiry so conducted by him. Thus, the present writ petition.

3. Considering the fact that the Revenue Divisional Officer, Erode / second respondent herein has already completed the enquiry with regard to the claim of the petitioner for alteration of date of birth and by keeping in mind the date of superannuation of the petitioner i.e. on 30.04.2016, this Court directs the second respondent to send a final report on the enquiry so conducted by him within a period of two weeks from the date of receipt of a copy of this order and on receipt of such final report, the first respondent is directed to pass final orders on the same within a period of two weeks thereafter.

4. With the above directions, the writ petition stands disposed of. No Costs. WMP No.12759 of 2016 is closed.
rkm

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Joint Director of School Education (Personnel),
College Road, Chennai - 600 006.

2.The Commissioner for Revenue Administration,
Chepauk, Chennai - 600 005.

3.The Chief Educational Officer,
Erode District, Erode.

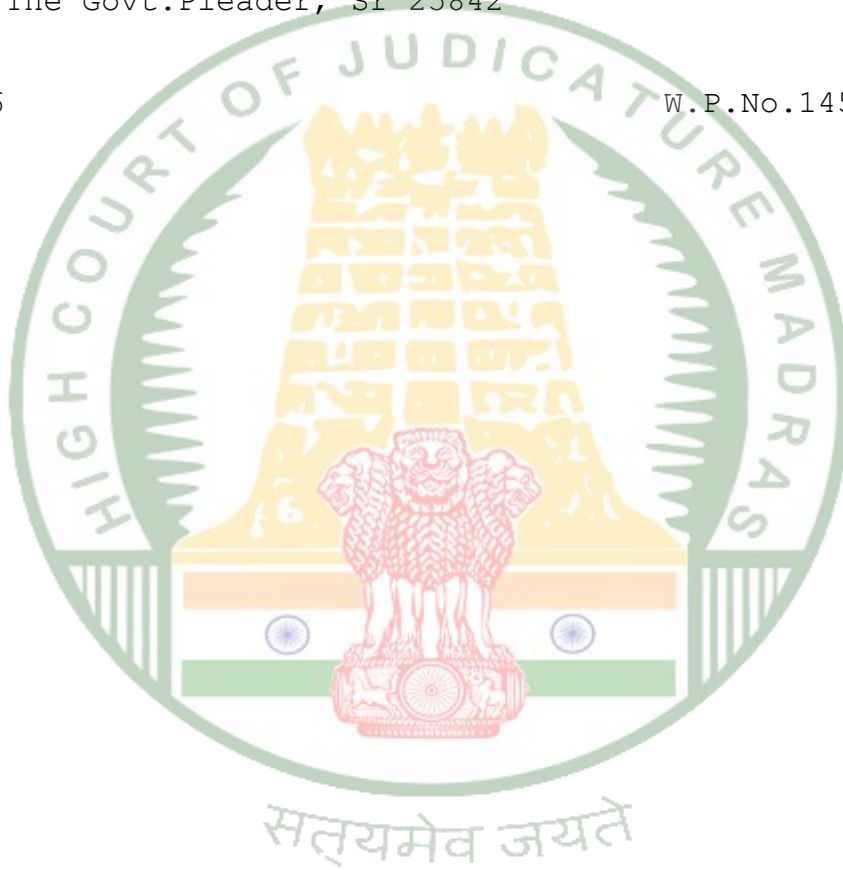
4.The Revenue Divisional Officer,
Erode, Erode District.

+ 1 cc to Mr.R.Saseetharan, Advocate Sr 26459

+ 1 cc to The Govt.Pleader, Sr 25842

KR/28/4/16

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