

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.34400 of 2016

R.Raghunath

... Petitioner

Vs.

1 The Principal Commissioner/Commissioner
of Revenue Administration,
Chepauk,
Chennai - 600 005.

2 The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to consider the application submitted by the petitioner seeking alteration of date of birth along with further representation dated 04.05.2005 and to pass appropriate orders for alteration of date of birth of petitioner as 06.11.1961 instead of 08.04.1960 with all consequential and other attendant benefits within a time frame to be fixed by this Honourable court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

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

2.The present writ petition has been filed seeking a Mandamus directing the second respondent to consider the application submitted by the petitioner seeking alteration of date of birth along with further representation dated 04.05.2005 and to pass appropriate orders for alteration of date of birth of petitioner as 06.11.1961 instead of 08.04.1960 with all consequential and other attendant benefits within a time frame to be fixed by this Court.

3.In the affidavit filed in support of this petition, it has been stated that the petitioner was born on 06.11.1961 to his parents namely, R.Ramamoorthy and R.Saraswathi along with one brother and five sisters. At the time of admission in the school, the petitioner's date of birth was wrongly given as 08.04.1960 instead of 06.11.1961. The petitioner's educational qualification is M.Sc., (Botany), M.Ed., and M.Phil., and he registered his qualification in the Employment Exchange and he was selected and appointed to the post of PG Assistant in Botany on 11.03.1991 through Teachers Recruitment Board and was subsequently promoted to the post of Headmaster on 15.10.2012 and is presently working in Government Boys Higher Secondary School, Thiruvallam, Vellore District.

4.It is further stated that after appointment to the post of PG Assistant (Botany), the petitioner made an application as early as on 07.02.1996 seeking alteration of date of birth in the Service Register to the Director of School Education by enclosing birth extract received from the Local Body and it is well within the period of five years from the date of initial appointment as required under the Rules. The Director of School Education vide proceedings dated 12.03.1996, called for a report from the office of the first respondent. The Revenue Divisional Officer, Vellore, conducted a detailed enquiry in which the petitioner produced all the certificates as required and thereafter, the RDO, Vellore has submitted a report on 07.08.1997 recommending alteration of date of birth in his favour.

5.It is further stated that the first respondent CRA vide proceedings dated 17.10.1997 forwarded a report to the second respondent stating that the claim of the petitioner

for alteration of date of birth cannot be considered stating that if the petitioner's date of birth is considered to be 06.11.1961, at the time of writing SSLC Examination, he has completed only 14 years 3 months and 22 days whereas, one has to complete 15 years to write SSLC examination. Accordingly, a negative proposal was forwarded by CRA to the Director of School Education for consideration and passing orders.

6.It is further stated that on coming to know about the negative proposal forwarded by CRA, the petitioner made an appeal to the State Government on 10.06.2000 and since it was not considered he filed an Original Application in O.A.No.3626 of 2003 before the Tamil Nadu Administrative Tribunal and the Tribunal vide order dated 06.11.2003, dismissed the same. Since the said appeal was not dismissed on merits, the petitioner submitted further representation to the second respondent through proper channel in the year 2005 seeking to pass orders on the application submitted by the petitioner for alteration of date of birth and since no response is forthcoming, the petitioner has come forward with this petition.

7.Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader who takes notice for the respondents.

8.Considering the submissions made on either side, this Court directs the petitioner to give a copy of the representation dated 07.02.1996 and a copy of the further representation dated 04.05.2005 along with a copy of this order to the respondents, within a period of two weeks from the date of receipt of a copy of this order and the respondents on receipt of the same, is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks thereafter.

9.It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to decide the matter, purely on merits.

10.The writ petition is disposed of accordingly. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

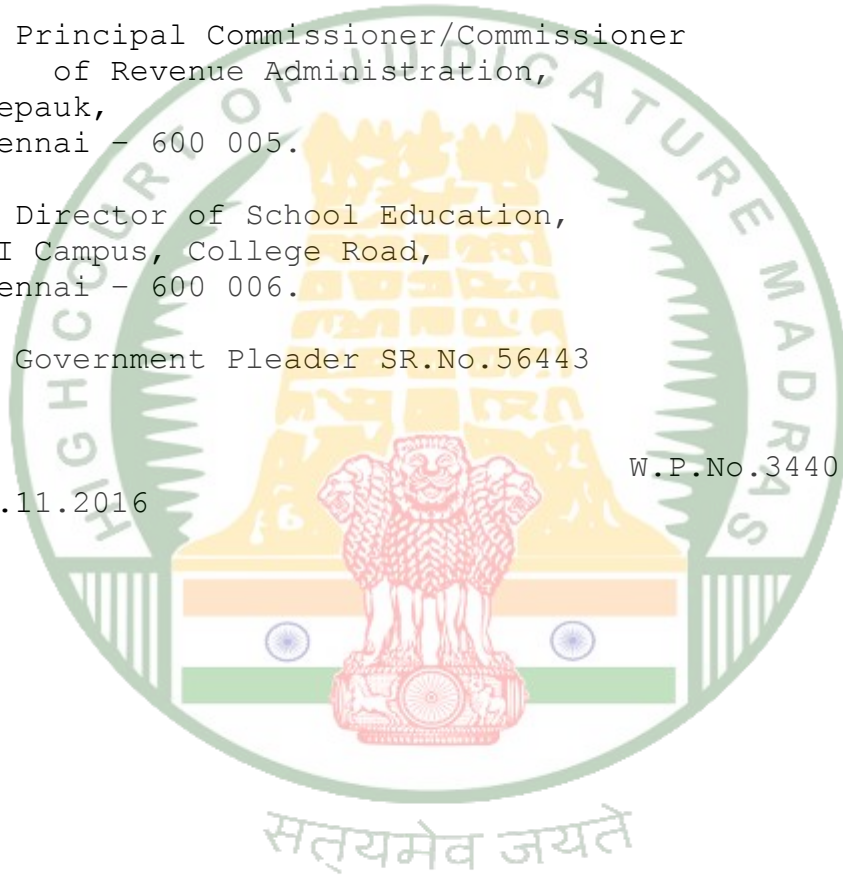
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+1cc to Government Pleader SR.No.56443

SDR 12.11.2016

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