



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.02.2016

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.4114 of 2016

E.Natarajan

... Petitioner

Vs.

1.The Commissioner of Revenue Administration,
Disaster Management,
Chepauk,
Chennai -5.

2.The Director of School Education,
College Road,
Chennai -6.

3.The Member Secretary,
Tamil Nadu Pollution Control Board,
76, Mount Road,
Guindy,
Chennai - 32.

4.The Chief Scientific Officer,
District Pollution Control Board Laboratory,
Tamil Nadu Pollution Control Board,
Thoothukudi District -8.

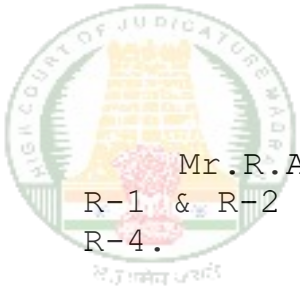
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to forward the proposals to the second respondent for altering the date of birth of the petitioner from 02.03.1958 to 10.10.1959 based on the documents submitted by the petitioner along with his representation on 04.02.2016 within a time frame as fixed by this Honourable Court.

For Petitioner : Mr.V.Perumal

For R-1 & R-2 : Mr.R.Anandaraj,
Government Advocate

For R-3 & R-4 : Mr.C.Ilaman

**ORDER**

Mr.R.Anandaraj, learned Government Advocate takes notice for R-1 & R-2 and Mr.C.Ilaman, learned counsel takes notice for R-3 & R-4.

2. The petitioner has come forward with the present Writ Petition for a Mandamus directing the first respondent to forward the proposals to the second respondent for altering the date of birth of the petitioner.

3. The case of the petitioner is that he was born on 10.10.1959. But in the school records, it has been entered as 02.03.1958 and it continued to be shown in the S.S.L.C. Certificate also. Thereafter, the petitioner joined services in the respondent Board on 28.07.1986. When he came to know about the wrong entry of his date of birth in the school records, he filed O.S.No.223 of 2015 before the learned District Munsif, Kovilpatti for correcting his date of birth by a decree of declaration. The said suit was decreed on 22.12.2015 and thereafter, the petitioner made an application to the authorities to correct the wrong entry of his date of birth. The Headmaster of the School also forwarded the proposal on 18.01.2016 to the second respondent. In turn, the second respondent had forwarded the same to the Directorate of School Education on 20.01.2016. It is now pending at the stage of forwarding the same to the first respondent.

4. Admittedly, the petitioner joined services in the year 1986. As per Rule 49(b) of the Tamil Nadu State and Subordinate Service Rules, the petitioner ought to have made application within five years from the entry into service. Section 49(b) of the Tamil Nadu State and Subordinate Service Rules reads as follows:

49(b). After a person has entered service, an application to alter the date of his birth as entered in the official records shall be entertained only if such an application is made within five years of such appointment to the Post held by the application at the time of his application and shall be disposed of in accordance with the procedure laid down in Sub-rule(a).

5. As the petitioner has got declaration of his date of birth through civil Court only in the year 2015, the petitioner has approached the authority at a later stage beyond the time prescribed in the Tamil Nadu State and Subordinate Service Rules.

6. In such circumstances, the second respondent need not send the proposal to the first respondent as the claim of the petitioner is beyond time. Hence, the Writ Petition is not maintainable.



In the result, the Writ Petition is dismissed. No Costs.

Sd/-

Assistant Registrar

/True copy/

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Sub Assistant Registrar

To

- 1.The Commissioner of Revenue Administration,
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- 2.The Director of School Education,
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- 3.The Member Secretary, Tamil Nadu Pollution Control Board,
76, Mount Road, Guindy, Chennai - 32.
- 4.The Chief Scientific Officer,
District Pollution Control Board Laboratory,
Tamil Nadu Pollution Control Board,
Thoothukudi District -8.

+one cc to Mr.V.Perumal, Advocate in SR.No.11469

+one cc to The Special Government Pleader in SR.No. 11617

pm

CSL/NGM-SS/08.03.2016/3p/7c

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