



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2016

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

W.P. (MD) No.8397 of 2011

R.Sankarbabu

... Petitioner

-vs-

1. The Director of School Education
D.P.I.Campus, College Road
Chennai-6

2. The Chief Educational Officer
Thallakulam, Madurai-2

3. The District Educational Officer
Thallakulam, Madurai-2

... Respondents

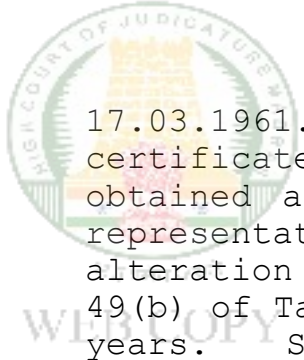
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to alter the date of birth of the petitioner in his Service Register as 17.03.1961 instead of 13.05.1960 as per the birth certificate issued by the competent authority.

For Petitioner : Mr.Mohammed Rajaphdeen
For Respondents : Mr.S.Kumar
Addl. Govt. Pleader

ORDER

The writ petitioner has come before this Court seeking direction to the respondents to change the date of birth in his Service Register as 17.03.1961 instead of 13.05.1960.

2. The petitioner is working as a Teacher in Government High School at Samanatham Village. He was born on 17.03.1961 in Mani Maternity Home, Madurai and his date of birth was registered as per the Registration of Birth and Deaths Act, 1969, on 03.04.1961, vide registration No.521/1961/16. His grievance is that though his date of birth is 17.03.1961, while admitting him in School, his father gave his date of birth as 13.05.1960 and the same was followed in all his certificates. His father passed away on 17.05.2010 and when he was cleaning up his father's belongings, he came across his original horoscope, wherein he found his date of birth as



17.03.1961. Based on the horoscope, he applied for birth certificate before the Commissioner of Madurai Corporation and obtained a birth certificate on 04.02.2011. Thereafter, he made representations to the respondents on 09.03.2011 and 29.03.2011 for alteration of his date of birth in his Service Register as per Rule 49(b) of Tamil Nadu State and Subordinate Service Rules, within five years. Since the respondents have not taken any action, the petitioner has filed this writ petition.

3. The learned Additional Government Pleader, on instructions, submitted that the verification of the certificate does not disclose the relevant information furnished by the petitioner and therefore, he seeks further time to verify the genuineness of the claim made by the petitioner.

4. Considering the request made by both the parties, a direction is issued to the respondents to verify the genuineness of the claim made by the petitioner with the authorities concerned and to pass orders on the petitioner's representations in accordance with law within a period of six months from the date of receipt of a copy of this order. If at all the petitioner is aggrieved by the orders going to be passed by the respondents, it is open to him to approach the Court for appropriate relief.

5. The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Director of School Education,
D.P.I.Campus, College Road,
Chennai-6.
2. The Chief Educational Officer,
Thallakulam, Madurai-2.
3. The District Educational Officer,
Thallakulam, Madurai-2.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 67425
+ 1 CC TO Mr.R.PANDI MAHARAJA, ADVOCATE IN SR No. 67105

KRK

TE/GSV-PM : 21/11/2016 : 2P/6C

<https://hcservices.ecourts.gov.in/hcservices/>

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