

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23245 of 2014

and

MP.No.1 of 2014

K.Shantha

.. Petitioner

vs

1. The Managing Director  
Pondicherry Corporation for Development  
of Women and Handicapped Persons Ltd.,  
Pon Nagar, Reddiyarpalayam,  
Pondicherry 605 010.
2. The Director  
Department of Women and Child Development,  
Pondicherry.
3. The Child Development Project Officer,  
ICDS - V,  
Mudaliarpet,  
Pondicherry.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1<sup>st</sup> respondent herein to accept and dispose the representation dated 13.06.2014 made by the petitioner herein and accordingly revise the year of retirement of the petitioner herein based on the birth certificate issued by the Villupuram Municipality.

For Petitioner : Mr.R.Udhayakumar

For Respondents : Mr.R.Syed Musthafa

Additional Government Pleader(Pondy)

O R D E R

The relief sought for in this writ petition is for a direction to the first respondent to accept and dispose of the representation dated 13.6.2014 made by the writ petitioner and

accordingly revise the year of the retirement of the writ petitioner.

2. The learned counsel appearing for the writ petitioner made a submission that the writ petitioner was initially appointed as Anganwadi Helper by the Department of Women and Child Development, in the year 1986 on daily wages basis. At the time of joining, the writ petitioner was not holding any birth extract and the department also had not insisted any submission of any such birth extract from the writ petitioner. Thus, the learned counsel appearing for the writ petitioner further states that there was no entry of birth extract in respect of the writ petitioner at the time of her initial appointment. However, it is stated that the respondents themselves have decided the date of birth of the writ petitioner which is erroneous.

3. The learned counsel appearing for the respondents opposed the contents by stating that the services of the writ petitioner was regularized in the year 2005 and at the time of regularization the date of birth was entered as per the report of the medical officers. The learned counsel further states that the case of the writ petitioner was referred to the Medical Board in the year 2006 and thereafter, the date of birth was entered in respect of the writ petitioner.

4. In view of the allegations and counter allegations, this Court is of the opinion that certain available facts in respect of the service records to be ascertained by the respondents and it is for the writ petitioner to establish her date of birth in accordance with the Rules in force. At the outset, the writ petitioner has to establish the date of birth by producing all the necessary documents available with them and the respondents are also directed to consider all other documents available with the department on the basis of the medical report and take a decision in this regard.

5. Thus, without going into the merits of the case, the second respondent is directed to consider the representation submitted by the writ petitioner on 13.6.2014 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

stm

To

1. The Managing Director  
Pondicherry Corporation for Development  
of Women and Handicapped Persons Ltd.,  
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Pondicherry 605 010.
2. The Director  
Department of Women and Child Development,  
Pondicherry.
3. The Child Development Project Officer,  
ICDS - V,  
Mudaliarpet,  
Pondicherry.

+1 CC to Mr. Udhayakumar, Advocate sr 80602.

सत्यमेव जयते

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W.P.No.23245 of 2014

MG (CO)  
SP (28/11/2017)