

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16949 of 2017

K. Sankaralingam

..Petitioner

Vs.

- 1.The Secretary to Government,
School Education Department,
Fort St. George, Chennai-9.
 - 2.The Director of Elementary Education,
College Road, Chennai.
 - 3.The District Elementary Educational Officer,
Vellore Town, Vellore.
 - 4.The Assistant Elementary Educational Officer,
Vellore Town,
Konavattam, Vellore -13.
- .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's application dated 05.05.2017 seeking for the alteration of Date of Birth in the petitioner's service register as 15.09.1959 instead of 01.06.1959.

For Petitioner : Mr. G. Jeremiah
For Respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader

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O R D E R

Heard Mr. G. Jeremiah, learned counsel appearing for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents. With the consent of the learned counsel appearing on either side, the Writ Petition is disposed of at the admission stage.

2.The relief sought for in this writ petition is relating to the alteration of date of birth of the writ petitioner in his service records.

3.The affidavit filed in support of this writ petition enumerates that the writ petitioner's date of birth was erroneously recorded in his school records as 01.06.1959 instead of 15.09.1959. The writ petitioner was appointed as Craft Teacher in Ramalingam Aided Middle School, Vellore on 01.02.1993. Further, the writ petitioner was continuing in service without seeking any alteration for the past about 24 years.

4.As per Rule 49 of the Tamil Nadu State and Subordinate Service Rules, an employee who is willing to alter the date of birth has to submit appropriate application within a period of five years from the date of appointment. All applications made after expiry of five years of period is liable to be rejected, as not maintainable. Therefore, the question of considering the claim of writ petitioner regarding the alteration of date of birth at this length of time does not arise at all.

5.Hence, the Writ Petition deserves no merit consideration. Accordingly, the Writ Petition stands dismissed. However, no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ah/rpa

To

1.The Secretary to Government,
School Education Department,
Fort St. George, Chennai-9.

2.The Director of Elementary Education,
College Road, Chennai.

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3.The District Elementary Educational Officer,
Vellore Town, Vellore.

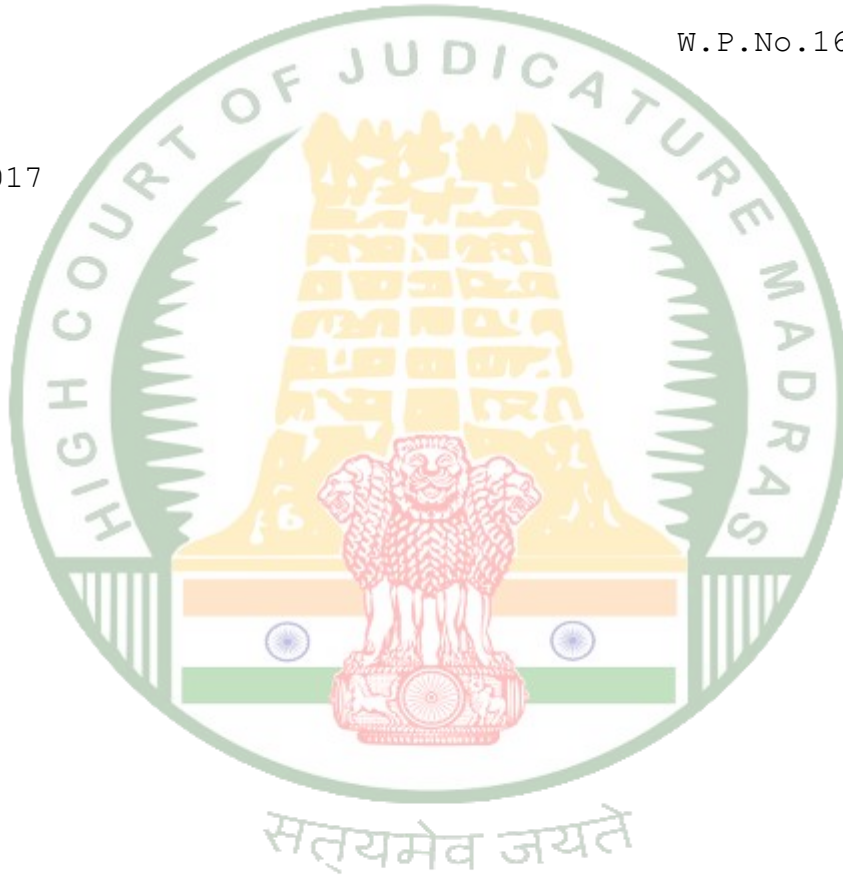
4.The Assistant Elementary Educational Officer,
Vellore Town,
Konavattam, Vellore -13.

+1 cc to Mr.G.Jeremiah Advocate sr 47429

+1 cc to the Government Pleader sr 46898

W.P.No.16949 of 2017

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