

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No. 4185 of 2018
&
W.M.P. No. 5130 of 2018

P. Muthiah

..Petitioner

Vs.

1. The Secretary to Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai -9.
 2. The Principal Secretary & Commissioner for
Revenue Administration,
Chepauk, Chennai - 5.
 3. The Director of School Education,
DPI Compound, College Road,
Chennai - 6.
 4. The Joint Director (Personnel),
DPI Compound, College Road,
Chennai -6.
 5. The Chief Educational Officer,
Karur Post and District.
 6. The Chief Educational Officer,
Trichy Post & District.
 7. The Head Master,
Govt. High School,
Thethur Post, Trichy District.
 8. The Head Master,
Govt. High School,
G. Udaiyarpatty Post, Karur District.
- ..Respondents

Prayer: Petition under Article 226 of the Constitution of India
praying for issue of a Writ of Mandamus directing respondents 1
to 4 to pass final orders on the application for alteration of
date of birth of the petitioner dated 09.06.2010 pending before

the 2nd and 3rd respondents within a prescribed time limit and grant consequential benefits.

For Petitioner : Mr.P.I. Thirumoorthy

For Respondents : Mr.P.Raja,
Govt. Advocate for
R1 to R8

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing respondents 1 to 4 to pass final orders on the application for alteration of date of birth of the petitioner dated 09.06.2010 pending before the 2nd and 3rd respondents within a prescribed time limit and grant consequential benefits.

2. The petitioner was appointed to the post of B.T. Assistant (Maths) in Government High School, Thethur Post, Trichy District. Though he was born on 04.09.1961 in Tirunelveli District, according to the petitioner, in the office records, his date of birth was wrongly recorded as 11.02.1960 based on the oral version of his parents due to ignorance. It is the further case of the petitioner that he joined school education service in the year 2008 as B.T. Assistant (Maths). Initially, he had worked in Government High School, G. Udaiyarpatty, Karur District and when he was working there, on 09.06.2010, the petitioner preferred an application for alteration of date of birth to the 1st respondent through proper channel seeking to alter his date of birth from 11.02.1960 to 04.09.1961 enclosing all relevant documents. On 08.09.2010, the said application was forwarded by the 8th respondent to the 5th respondent, the Chief Educational Officer, Karur, along with his recommendations. The 5th respondent, in turn, forwarded the said application along with his recommendations to the 3rd respondent, the Director of School Education, on 28.10.2010. Thereafter, the petitioner was directed to submit his educational and birth certificates of his brothers and accordingly, he submitted the same to the 8th respondent.

3. While so, the 2nd respondent, by his proceedings dated 26.08.2011, directed the 3rd respondent to get the application for alteration of date of birth in the prescribed format from the petitioner and on being informed so, by the 8th respondent, the petitioner duly submitted the application in the prescribed format and other additional particulars to the 4th respondent through the 8th respondent on 09.03.2015. Thereafter, the petitioner was directed to rectify certain defects and also submit certain other requirements such as attested educational

certificates, which he had also complied with. In the year 2017, the petitioner was transferred to the 7th respondent school and though the application for alteration of date of birth was submitted by the petitioner as early as on 09.06.2010, there was no effective response. Hence, the petitioner again sent a detailed representation through the 7th respondent to the 3rd respondent on 14.07.2017. But, till date, no decision has been taken by respondents 1 to 3 with regard to the request of the petitioner. Hence, the present writ petition for the relief aforesaid.

4. Learned Government Advocate appearing for the respondents sought four weeks' time to consider the case of the petitioner.

5. This Court, considering the limited scope of the relief sought, without going into the merits of the claim made by the petitioner, passes the following order:

"Since the petitioner has submitted his application on 09.06.2010, after his appointment as B.T. Assistant (Maths) on 30.12.2008, as per Rule 49A (1) of Tamil Nadu State and Subordinate Service Rules, the appointing authority is directed to consider and pass appropriate orders on the application of the petitioner dated 09.06.2010 seeking alteration of his date of birth, within a period of four weeks from the date of receipt of a copy of this order and the other respondents are directed to place all the relevant papers before the competent authority."

The writ petition is disposed of accordingly. No costs. Connected W.M.P is closed.

Sd/-

Assistant Registrar(Audit)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

nv

To

1. The Secretary to Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai -9.
2. The Principal Secretary & Commissioner for
Revenue Administration,
Chepauk, Chennai - 5.

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3. The Director of School Education,
DPI Compound, College Road,
Chennai - 6.

4. The Joint Director (Personnel),
DPI Compound, College Road,
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5. The Chief Educational Officer,
Karur Post and District.

6. The Chief Educational Officer,
Trichy Post & District.

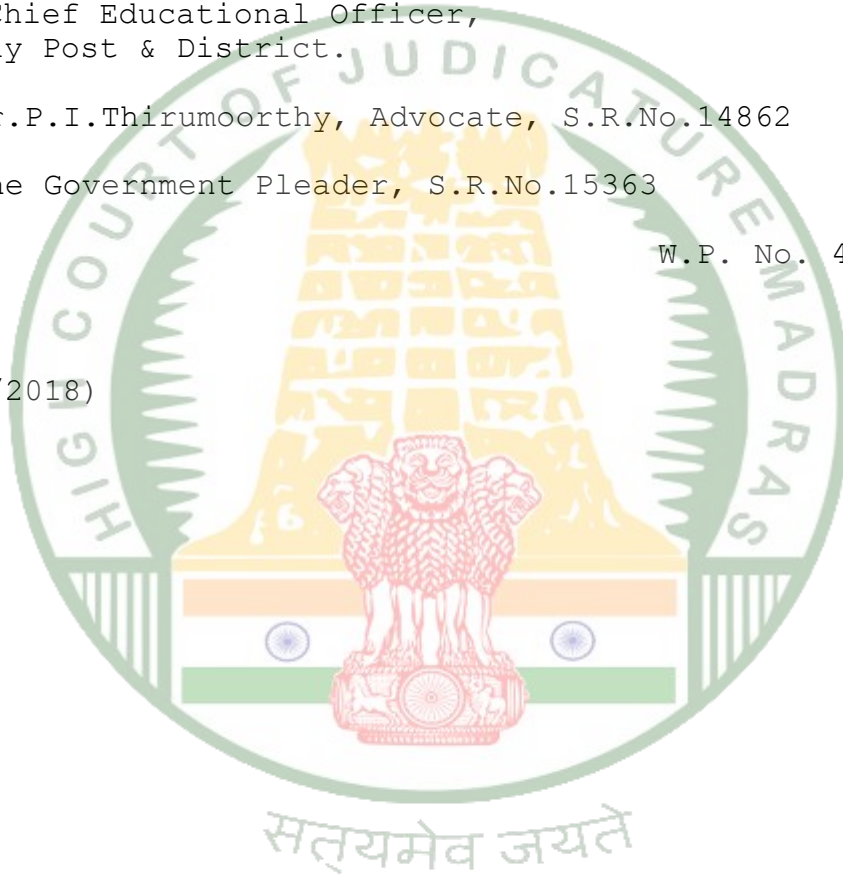
+1cc to Mr.P.I.Thirumoorthy, Advocate, S.R.No.14862

+1cc to the Government Pleader, S.R.No.15363

W.P. No. 4185 of 2018

KJ(CO)

RRK(28/03/2018)



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