



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.08.2018

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.18270 of 2018

R.Lakshmi

..Petitioner

Vs

1.The District Collector,
Pudukkottai District.
Pudukkottai.

2.The District Project Officer,
Child Development Project Office,
(Near Municipality),
Pudukkottai.

3.The Integrated Child Development Officer,
Integrated Child Development Office,
Viralimalai and post,
Viralimalai Taluk,
(Opp.,to Police Station),
Pudukkottai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to permit the Petitioner to serve as Anganwadi Helper till 31.5.2028 by considering the representation of the Petitioner, dated 1.8.2018.

For Petitioner : Mr.K.Baalasundharam.

For Respondents : Mr.K.Mu.Muthu,
Addl.Govt.Pleader

ORDER

The Petitioner has come forward with this Writ Petition seeking for issuance of a Writ of Mandamus directing the respondents to permit the Petitioner to serve as Anganwadi Helper till 31.5.2028 by considering the representation of the Petitioner, dated 1.8.2018.



Writ Petition itself is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that taking note of the age of the Petitioner as 58 years, the Petitioner was allowed to retire from service on 30.6.2018 and that verbal intimation was given. According to the Petitioner, the date of birth of the Petitioner is 24.5.1970 and the same has been entered in the records of the school. But however, the Petitioner was medically examined and the date of birth has been mentioned as 01.07.1960 in the service records. The Petitioner would state that she has made representation on 9.8.2018 and the same can be considered.

4.A glance at the prayer would make it clear that the Petitioner would continue for another ten years in service in case of alteration of her date of birth and she can enjoy the benefit of ten years of service. It is appropriate to state here that the Petitioner ought to have objected the same, while making entry into her service records initially, within the time stipulated in the rules or regulations. In case of Government service, the Petitioner should take steps to change the date of birth within a period of five years of entry into service. In this case, the petitioner, has admittedly joined the service on 1.3.1995 in the place of one Kasthuri, as she has left the service voluntarily. The Petitioner has also duly signed the details of the family wherein her date of birth is mentioned as 24.5.1970. The Petitioner cannot now contend that she is entitled to continue as Anganwadi Worker for a period of ten years till 31.5.2028 taking the date of birth as 1.7.1960 and the same cannot be accepted. Firstly, it is a disputed question of fact and this Court cannot go into those questions. The documents produced and entered in the service records which is duly signed by the Petitioner would show that the date of birth of the Petitioner is 24.5.1970. Hence the respondents have correctly given the retirement order to the Petitioner. At this stage, the learned counsel for the Petitioner submitted that she has submitted a representation, dated 1.8.2018 to the respondents and that may be considered and suitable orders passed thereon. Such a direction cannot be given, as the disposal of the representation would pave way for further litigation and only benefit the counsel and not the party. Thus, this Court finds no merit in the Writ Petition.

5.Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)



Sub Assistant Registrar (CS-IV)

WEB COPY

To

- 1.The District Collector,
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Pudukkottai.
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+1 CC To MR.K.BALASUNDARAM, Advocate SR. NO. 80246

+1 CC TO The Special Government Pleader SR.NO. 80633

ORDER MADE IN
W.P (MD) No.18270 of 2018
27.08.2018

VSN

TR/RP/SAR-IV(01.10.2018) 3P 6C