



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Writ Petition(MD)No.1120 of 2018

and

W.M.P(MD)Nos.1180 to 1182 of 2018

S.Duraichamy

... Petitioner

.Vs.

1.The Personal Assistant to -
the District Collector,
(Noon Meal)
Collectorate, Dindigul,
Dindigul District.

2.The Block Development Officer,
Panchayat Union,
Kujiliyamparai,
Dindigul District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.1993/2017/A6, dated 20.10.2017 on the file of the respondent No.2 and quash the same as illegal and consequently to direct the respondents to correct the date of birth of the petitioner in the service register of the petitioner as 13.03.1959 in accordance with the date of birth as found in the Secondary School Leaving Certificate (SSLC) of the petitioner within the time stipulated by this Court.

For Petitioner	: Mr.S.Louis
For Respondent No.1	: Mr.J.Gunaseelan Muthiah Addl. Govt. Pleader
For Respondent No.2	:Mr.A.Thiyagarajan

O R D E R

The petitioner is working as 'Noon Meal Organizer' in the Panchayat Union Primary School. According to him, his date of birth is 13.03.1959. It is so found in his SSLC certificate as well as in other records. According to him, he is to retire only in the year 2019. He was shocked to know that in the service



register, his date of birth has been wrongly entered as 13.03.1958 and therefore, a proposal has been sent to retire him on 13.03.2018 itself. Therefore, he gave a representation to the authorities. The second respondent, by the impugned order, took the view that the petitioner ought to have applied for alteration of his date of birth within a period of five years from the date of his entry into service. Therefore, the claim of the petitioner was rejected on the ground of limitation. The same is assailed in this writ petition.

2.The learned counsel appearing for the petitioner drew the attention of this Court to Rule 49 and 49(A) of the Tamil Nadu State and Subordinate Service Rules. The corresponding provision in the Tamil Nadu Government Servants (Condition of Service) Act 2016 would be Section 60. As per Rule 49(A) of the Tamil Nadu State and Subordinate Service Rules as well as Section of 60 of the Act, after a person entered into service, if it is found that his date of birth entered in his service register is different from that entered in the SSLC certificate due to some clerical error or otherwise wrong entry, the application for correction of the clerical error or wrong entry shall be made to the appointing authority. If the date of birth in the service register was entered on the basis of SSLC and the correction of clerical error or wrong entry shall be made with reference to the SSLC certificate, there is no period of limitation of five years in such cases. Only if the claim of the employee is that his date of birth is different from that entered in his SSLC and other School records, the request for alteration of his date of birth will have to made within five years from the date of entry into service. In this case, the petitioner is contending that the entry in the service register is different from the entry found in the SSLC certificate. Therefore, the reason assigned in the impugned order for rejecting the petitioner's request is clearly unsustainable.

3.Therefore, the order impugned in this writ petition is quashed. The petitioner shall produce the original SSLC certificate as well as other records that are available with him before his appointing authority on 26.02.2018. The appointing authority, namely, the second respondent herein shall consider the materials on record and pass appropriate orders in accordance with law on or before 02.03.2018.

4. This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P & A)



To

1.The Personal Assistant to -
the District Collector,
(Noon Meal)
Collectorate, Dindigul,
Dindigul District.

2.The Block Development Officer,
Panchayat Union,
Kujiliyamparai,
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+1CC TO M/S.S.LOUIS, ADVOCATE, SR NO.50367

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MS/CM/SAR.1/22.02.2018/3P.4C