



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2018

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.8020 of 2018

WEB COPY

S.Prabahar

Post Graduate Assistant(Commerce),
Kavimani Desigavinayagam Pillai Government
Girls Higher Secondary School,
Kottar, Nagercoil - 629 002,
Kanyakumari District.

...Petitioner

Vs.

1) The Director of School Education,
College Road, Chennai 600 006

2) The Chief Educational Officer,
Kanyakumari District.

3) The District Educational Officer,
Nagercoil, Kanyakumari District.

4) The Headmaster,
Kavimani Desigavinayagam Pillai Government
Girls Higher Secondary School,
Kottar, Nagercoil - 629 002,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent herein to consider and pass orders on petitioner's final representation dated 05.03.2018 seeking to alter petitioner's date of birth as 27.08.1967 instead of 25.08.1966 in petitioner's service register as per petitioner's application dated 16.11.2007 in the light of Rule 49 of the Tamil Nadu State and Subordinate Service Rules.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mrs.S.Srimathy,
Special Government Pleader

O R D E R

This Writ Petition is filed seeking to issue a direction to the 1st respondent herein, to consider and pass orders on the petitioner's final representation dated 05.03.2018 seeking to alter the petitioner's date of birth as 27.08.1967 instead of 25.08.1966 in the petitioner's service register, as per petitioner's application dated 16.11.2007 in the light of Rule 49 of the Tamil Nadu State and Subordinate Service Rules.



2. Heard Mr.E.V.N.Siva, learned counsel for the petitioner as well as Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

3. The learned counsel for the petitioner submits that the petitioner is working as Post Graduate Assistant (Commerce). His date of birth as per the birth certificate issued by the Registrattion Department is 27.08.1967, whereas, as per the school certificate, it has been shown as 25.08.1966. Therefore, seeking to alter the date of birth, the petitioner has given an application on 16.11.2007 within the stipulated period and the same was also forwarded by the Headmaster vide proceedings in Na.Ka.No.424/A1/07 dated 22.11.2007 to the respondents, who are the Competent Authorities to pass order there on.

4. Since no order was passed, the petitioner sent a representation on 05.03.2018 to the respondents to consider his request for alteration of date of birth.

5. The learned counsel for the petitioner would submit that, the request made by the petitioner seeking alteration of date of birth within five years to the appointing authority, as per Rule 49 (c) of the Tamil Nadu State and Subordinate Service Rules was made in the year 2007 and again through his final representation dated 05.03.2018 and hence it has to be considered by the first respondent and order to that effect has to be passed, so that the petitioner will be satisfied.

6. I have heard the Additional Government Pleader appearing for the respondents in this regard.

7. Since the petitioner seeks innocuous prayer for a direction to the respondents to consider the representation of the petitioner and pass orders there on, this Writ Petition is disposed at the admission stage with the consent of both sides, by giving the following direction that, the first respondent is directed to consider the request of the petitioner dated 16.11.2007, forwarded by the Headmaster concerned, dated 22.11.2007, as well as the petitioner's final representation dated 05.03.2018 with regard to the application for the alteration of date of birth and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

8. With these directions, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(C.O)

/True Copy/



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College Road, Chennai 600 006
- 2) The Chief Educational Officer,
Kanyakumari District.
- 3) The District Educational Officer,
Nagercoil, Kanyakumari District.

+1cc to Mr.E.V.N.Siva, Advocate, SR.No.61299

+1cc to The Special Government Pleader, SR.No.61191

sts

RL/6C/3P/KK/SAR1/25/4/2018

Order in

W.P.(MD)No.8020 of 2018

12.04.2018