

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 27.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No. 41429 of 2005
and
WP.MP.No.44491 of 2005

Rathinammal

... Petitioner

Vs

1.The District Collector,
Vellore District,
Vellore.

2.The Project Officer,
World Bank Aided Integrated
Child Development Works-3
Project, Vellore.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the second respondent Se.Mu.Noo.Mu.No.2332/Aa/04 dated -12-2004 and quash the same and thereby direct the respondents to reinstate the petitioner in service with all arrears of salary and attendant benefits.

For Petitioner : Mr.V.Jeevagiridharan

For Respondents: Mrs.K.Bhuvaneswari,AGP

O R D E R

The petitioner herein claims to have been born on 15.06.1953 based on the school Transfer Certificate. Since the respondents had passed the impugned order stating that she had reached the age of superannuation on 31.12.2004, they had retired her from the services. Challenging the same, the present Writ Petition has been filed.

2.The learned counsel for the petitioner submitted that the petitioner herein was born on 15.06.1953 as per the Transfer Certificate as evidenced in the school records. Therefore, she has six more years of service.

3.The learned Additional Government Pleader, on the other hand, submitted that, the petitioner had joined as an Ayaa with the second respondent, she did not produce any educational certificate. Since there was no evidence of her date of birth, she was directed to obtain medical certificate from a Medical Officer. Based on medical certificate, her age was determined as 44 years. As such she was properly retired from her services on 31.04.2004 and hence there is no infirmity in her retirement.

4. Though the transfer certificate has been produced before this Court, the petitioner had not chosen to produce the same before the third respondent to establish her date of birth. It is only after she had retired had she produced the transfer certificate before this Court. When the transfer certificate itself was not produced before the respondents, their action of retirement based on the medical certificate obtained, cannot be found fault with. Moreover, the petitioner has now reached the age of superannuation even as per the date of birth and therefore, it would not be appropriate to direct the respondents to reinstate the petitioner.

5.For the foregoing reasons, I do not find any infirmity in the impugned order Se.Mu.Noo.Mu.No.2332/Aa/04 dated -12-2004 passed by the second respondent. Hence, the Writ Petition stands closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jrs
To

1.The District Collector,
Vellore District, Vellore.

2.The Project Officer,
World Bank Aided Integrated
Child Development Works-3 Project, Vellore.

+1 cc to Mr.V.Jeevagiridharan, Advocate Sr.No.29951
+1 cc to The Government Pleader, Sr.No.30435

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NIP(CO)
CSL/06.06.2019