

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25-03-2019
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 8262 of 2019

K.Kamaraj

... Petitioner

Vs

- 1) State represented by,
Secretary Public Works Department
Secretariat, Chennai-9.
- 2) Engineering-in-Chief,
Chief Engineer, General, (WRD),
Public Works Department
Chepauk, Chennai-5
- 3) The Chief Engineer,
Public Works Department
Plan Formation(WRD)
Chepauk, Chennai-600 005.
- 4) The Superintending Engineer
Public Works Department
Special Projects Circle(WRD),
Avinashi, Tiruppur District-641 654.
- 5) The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
V.O.C.Nagar, Chennai-600 003.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the first respondent to consider the petitioners representation dated 24.12.2016 praying for effecting alteration of his date of birth as 01.03.1962 instead of 01.04.1961 in the official records and dispose the same within period specified by this Court, considering the fact that petitioner's superannuation falls on 31.03.2019.

For Petitioner : Mr.S.R.Sumathi

For Respondent : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the first respondent to consider the petitioner's representation dated 24.12.2016 praying for effecting alteration of his date of Birth as 01.03.1962 instead of 01.04.1961 in the official records and dispose the same within period specified.

2. The learned counsel for the writ petitioner states that the petitioner joined services of the Public Works Department at Aranthangi on 19.02.1985. The writ petitioner is possessing Post-Graduate Degree in M.Com. Admittedly, he has submitted an application seeking alteration of his Date of Birth, on 29.11.2016.

3. The learned counsel for the writ petitioner states that the writ petitioner was not aware of the Date of Birth and he came to know that the entry made in this regard was erroneous. However, the Date of Birth of the writ petitioner had been entered into the service records, based on the school record produced by the writ petitioner at the time of appointment during the year 1985. Admittedly, the application seeking alteration of Date of Birth was submitted on 29.11.2016 after a lapse of about 31 years.

4. This Court is of the opinion that the very application deserves rejection in a limited period. On account of the fact that the application seeking alteration of Date of Birth cannot be entertained after a lapse of five years from the date of appointment.

5. The learned counsel for the writ petitioner submits that the case of the writ petitioner has been recommended. Such recommendation will not confer any right on the writ petitioner and the writ petitioner is governed by the services conditions under the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 Section 59(2) of the Act, which reads as under:

(2) After a person has entered service, an application to alter the date of his birth as entered in the official records shall be entertained only if such an application is made within five years of such entry into service. Such an application shall be made to the authority competent to make an appointment to the post held by the applicant at the time of his application and shall be disposed of in accordance with the procedure laid down in sub section(1).

6. As per the above provision of Act, the writ petitioner has to make an application within a five years from the date of appointment and any application thereafter is liable to be rejected. This being the statutory provision and the time fixed limitation in the Act, the very application submitted by the writ petitioner seeking alteration of Date of Birth is undesirable and cannot be considered at all.

7. Thus, the relief as such sought for in the present writ petition is devoid on merits. Thus, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssb/kmm

To

- 1) The Secretary, Public Works Department
Secretariat, Chennai-9.
- 2) The Engineering-in-Chief,
Chief Engineer, General, (WRD),
Public Works Department
Chepauk, Chennai-5
- 3) The Chief Engineer,
Public Works Department
Plan Formation (WRD)
Chepauk, Chennai-600 005.
- 4) The Superintending Engineer
Public Works Department
Special Projects Circle (WRD),
Avinashi, Tiruppur District-641 654.

+1cc to Government Pleader sr.no.29751
+1cc to Mrs.S.R.Sumathy, Advocate sr.27943

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nr 09/05/2019