

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.05.2019

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.15097 of 2019
and
W.M.P.No.15076 of 2019

Gnanasambandam

...Petitioner

-Vs-

- 1.The Director of School Education,
Chennai - 600 006.
- 2.The Chief Educational Officer,
Thiruvannamalai.
- 3.The District Chief Educational Officer,
Thiruvannamalai.
- 4.The Headmaster,
Government Boys Higher Secondary School,
Thesur,
Thiruvannamalai District.

....Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the Chief Educational Officer, Thiruvannamalai the 2nd respondent herein to alter the date of birth of the petitioner from 02.06.1961 to 07.06.1964 which was originally entered in the Service Register of the petitioner and consequently direct the 2nd respondent to issue an order permitting the petitioner to continue the B.T. Assistant post in the education department even after 02.06.2019 till 07.06.2022.

For Petitioner : Mr.K.Balakrishnan

For Respondents : Mr.K.Karthikeyan
Government Advocate

ORDER

Mr.K.Karthikeyan, learned Government Advocate takes notice for the respondents. By consent, the Writ Petition is taken up for final hearing at the admission stage itself.

2.The petitioner has come up with the present writ petition seeking direction to the second respondent to correct his date of birth from 02.06.1961 to 07.06.1964 and to make necessary entry in his Service Register and consequently direct the second respondent to issue an order permitting the petitioner to continue the post of B.T.Assistant in the Education Department even after 02.06.2019 till 07.06.2022.

3. Heard the learned counsel for the petitioner as well as the learned Government Advocate for the respondents and perused the materials available on record.

4. On Perusal of the records, prima facie I am of the view that the writ petition is not maintainable due to laches. Admittedly, the petitioner had earlier approached the second respondent within a period of 5 years from the date of entry into service for change of date of birth in his service register, but the same was rejected by the second respondent on 14.12.2005. However, the above order is not challenged so far. It appears that after five years from the date of entry into service, the petitioner submitted another application for correcting his date of birth. As per law any corrections in the date of birth is to be made within 5 years from the date of entry into the service. Therefore, the petitioner now cannot insist the respondents to change the date of birth based on his second application, which has been filed after 5 years.

5. Since the earlier application filed within a period of five years was rejected in the year 2005 and the the same has not been challenged all these years, and the second application has also been made after 14 years, the present Writ Petition seeking for disposal of the said representation is liable to be dismissed, in view of the laches and delay. Admittedly, the petitioner is retiring from his service in this month and in the last day of his retirement, the petitioner has come before this Court, which clearly indicates that the Writ Petitioner is only attempting to get the benefits of extension of service.

6. For all the above reasons, I am of the view that the writ petition is liable to be dismissed. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.
ms/pvs

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Director of School Education,
Chennai - 600 006.

2.The Chief Educational Officer,
Thiruvannamalai.

3.The District Chief Educational Officer,
Thiruvannamalai.

4.The Headmaster,
Government Boys Higher Secondary School,
Thesur,
Thiruvannamalai District.

+1cc to Mr.K.Balakrishnan, Advocate, SR.No.44642

+1cc to the Govt.Pleader, Vide Sr.No.44444

W.P.No.15097 of 2019
and
W.M.P.No.15076 of 2019

Kak(28/06/2019)



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