

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.32844 of 2019

and

W.M.P.Nos.33275 and 33277 of 2019

S.Gandhi

... Petitioner

vs

1.The District Collector,
Perambalur.

2.The Commissioner,
Panchayat Union, Alathur.

3.The Block Development Officer,
Union Office,
Alathur, Perambalur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to pass orders, directions, writs in particular a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed in Na.Ka.No.A4/1000/2018 dated 08.11.2019 on the file of the third respondent and quash the same as illegal and consequently to direct the third respondent to restore or correct the date of birth of the petitioner in the service register as 06.11.1962 as found in the X Standard School Leaving Certificate (SSLC) and Mark List submitted at the time of appointment of the petitioner within the time stipulated by this Court.

For Petitioner : Ms.Usha Ramman

For Respondents : Ms.M.Lalitha
Government Advocate for R1

Mr.J.Pothia Raj
Special Government Pleader R2 and R3

O R D E R

The case of the petitioner is that the petitioner was appointed as Noon Meal Organizer in the year 1985 and the officials mentioned his date of birth in the Service Register as 06.11.1959 instead of 06.11.1962. In the year 2019, after becoming aware of the said fact the petitioner made a representation on 02.11.2019 before the third respondent/District Collector stating that his date of birth was wrongly mentioned as 06.11.1959 instead of 06.11.1962. The representation was rejected as per the Rule 49(b) of the Tamil Nadu State and Subordinate Service Rules, stating the petitioner has not made the application within five years from the date of entry into service. On 08.11.2019 the third respondent issued a impugned order to the petitioner. Challenging, the same the present writ petition is filed.

2.The learned counsel for the petitioner submitted the petitioner lost his education certificate and DOB certificate and he was not able to secure from the school. He further submitted that the third respondent is the authority to issue loan to the petitioner and he sanctioned loan after due verification of the service

record at that time of verification the petitioner's date of birth mentioned as 01.11.1962 and his retirement date was mentioned as 30.11.2022 and based on the retirement date the third respondent sanctioned loan to the petitioner and to repay the loan amount upto 30.11.2022. He further submitted that the respondents are harassing the petitioner to sign the Bond to retire on 30.11.2019, therefore, he prays that this Court may issue a direction to the respondents to permit the petitioner to continue his work as a Noon Meal Organizer till 30.11.2022.

3.Heard, the learned counsel for the respondents and perused the materials available on records.

4.This Court perused the service Register of the petitioner. It is seen that the petitioner's date of birth was mentioned as 06.11.1959. On a perusal of the records, it reveals that the petitioner was appointed as Noon Meal Organizer in the year 1985 and the petitioner made application dated nil for alteration of his date of date of birth as 06.11.1962 instead of 06.11.1959. The said application was rejected on the ground that the application was made after a period of five years from the date of his entry into service.

5.As per Section 49(b) of the Tamil Nadu State and Subordinate Service Rules, after a person enter into service, an application for alteration of date of his birth as entered in the official records shall be entertained only if such an application is made within a period of five years of such entry into service. Such an application shall be made to the competent Authority to make an appointment to the post held by the applicant at the time of his application.

6.However in the present case, in the application made by the petitioner no date is mentioned and the same was rejected. No proof is placed before this Court to show that the application was made in time. In the absence of any records, I do not find any error in the impugned order. Hence, the writ petition is dismissed. No Costs. Consequently the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

tta

To,

1.The District Collector,
Perambalur.

2.The Commissioner,
Panchayat Union, Alathur.

3.The Block Development Officer,
Union Office,
Alathur, Perambalur District.

+lcc to Ms.Usha Ramman, Advocate SR.99880

+lcc to Mr.J.Pothiraj, Advocate SR.99465

+lcc to the Government Pleader SR.99421

W.P.No.32844 of 2019

and

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RSK(CO)
CB(28/01/2020)