



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P (MD) No.9862 of 2019

N. Thirunavukkarasu

... Petitioner

Vs.

1. The Joint Director (Personnel),
Directorate of School Education,
College Road, Chennai - 600006.

2.The Chief Educational Officer,
Virudhunagar District.

3.The District Educational Officer,
Srivilliputur,
Virudhunagar District.

4.The Headmaster,
Municipal TVK Higher Secondary School,
Srivilliputur,
Virudhunagar District.

... Respondents

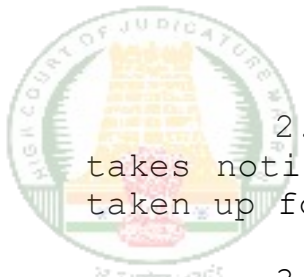
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to correct the date of birth of the petitioner's service register as 19.10.1963 instead of 18.08.1962 as per Section. 59 of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 on the basis of the proceedings forwarded by the 4th respondent to the 1st respondent dated 17.08.2017.

For Petitioner : Mr.V. Panneerselvam

For Respondents : Mrs. S. Srimathy
Special Government Pleader

ORDER

This writ petition is filed seeking to direct the the respondents to correct the date of birth of the petitioner in Service Register as 19.10.1963 instead of 18.08.1962 as per Section. 59 of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 on the basis of the proceedings forwarded by the 4th respondent to the 1st respondent, dated 17.08.2017.



2. Mrs. S. Srimathy, learned Special Government Pleader, takes notice for the respondent. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The case of the petitioner is that though he was born on 18.08.1962, his date of birth was wrongly given as 19.10.1963 in school, while he was admitting in the 1st Standard. In such circumstances, the petitioner has got a certificate from the Government Hospital, where he was born, in which, his Date of Birth was correctly mentioned as 18.08.1962, based on which, the petitioner has sent a representation, dated 20.04.2017 to the 4th respondent and subsequently, the fourth respondent has forwarded the same to the first respondent by their proceedings dated 17.08.2017. Thereafter, the respondents have not taken any action. Hence, the petitioner has filed the present Writ Petition.

4. The learned Additional Government Pleader appearing for the respondent submitted that the claim of the petitioner would be considered based on the proceeding forwarded by the fourth respondent to the first respondent, within the time stipulated by this Court.

5. Under such facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents to consider the case of the petitioner on the basis of the birth extract given by the statutory authority and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of, on the above terms. No costs.

Sd/-

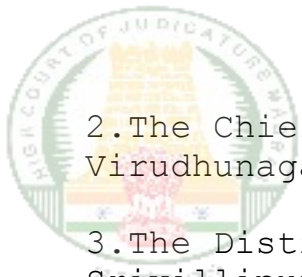
Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Joint Director (Personnel),
Directorate of School Education,
College Road, Chennai - 600006.



2.The Chief Educational Officer,
Virudhunagar District.

3.The District Educational Officer,
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Virudhunagar District.

4.The Headmaster,
Municipal TVK Higher Secondary School,
Srivilliputur,
Virudhunagar District.

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-62660[F] dated
25/04/2019)

+1 CC to M/s.SPL GP (SR-62972[F] dated 26/04/2019)

trp

W.P(MD) No.9862 of 2019
24.04.2019

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