



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2019

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.1853 of 2015

V.Fancy Selvarani

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Chief Educational Officer,
Thoothukudi District, Thoothukudi.

3.The District Elementary Educational officer,
Thoothukudi District,
Thoothukudi.

4.The Director of Elementary Education,
College Road,
Chennai.

5.The Tamil Nadu Public Service Commission,
Chennai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned Order in Na.Ka.No.1133/ஆ1/2014 dated 18.12.2014 on the file of the third respondent and quash the same and further directing the respondents to alter petitioner date of birth as 29.03.1953 in petitioner's service records and consequently grant the benefits accordingly.

For Petitioner: Mr.G.Prabhu Rajadurai

For R1 to R4 : Mrs.S.Srimathi,
Special Government Pleader

For R5 : Mr.K.K.Senthil

**ORDER**

The order of rejection rejecting the claim of the writ petitioner for alteration of date of birth in proceedings, dated 18.12.2014 is under challenge in the present writ petition.

2. The writ petitioner was appointed as Typist on temporary basis during the year 2007. It is admitted that the writ petitioner was discharged from service during the year 2010. The grievance of the writ petitioner is that his date of birth was erroneously entered in his school records on 29.03.1952 instead of 29.03.1953. The learned counsel for the petitioner states that he made an application for alteration of date of birth during the year 2010 and the said application was not considered and the petitioner earlier filed W.P.No.3315 of 2010 and this Court passed an order on 11.12.2013 directing the authorities to take a decision on merits and based on the documents available. Accordingly, the impugned order has been passed in proceedings, dated 18.12.2014 rejecting the claim of the writ petitioner stating that Rule 49(A)(2) will not be applicable to the writ petitioner as he was appointed on temporary basis.

3. The learned Special Government Pleader appearing on behalf of the respondents 1 to 4 opposed the contentions by stating that the writ petitioner was temporary employee and he was ousted from service during the year 2010 itself. Therefore, the service rules, more specifically, for alteration of date of birth is not applicable to the writ petitioner. This apart, the writ petitioner has accepted the date of birth as per his SSLC book for the past more than 50 years and at the fag end he cannot claim any alteration of his date of birth entered in his SSLC book, which was accepted for him for more than 5 decades. This apart, birth certificate issued by the Corporation in the year 2010 cannot be trusted upon. On what basis such birth certificates are issued after a lapse of more than 50 years and not explained and therefore, this Court is of the considered opinion that the competent officials while issuing the birth certificate must ensure that the proper registration was initially made and by following the procedures contemplated under the provisions of the Births and Deaths Act.

4. In view of the fact that the birth of the writ petitioner was accepted pursuant to the entry made in the SSLC book for the past more than 5 decades and the writ petitioner being a temporary employee and ousted from service during the year 2010, the question of considering the case for alteration of date of birth does not arise at all. Even at the time of filing of the writ petition, the writ petitioner was aged about 57 years and now, he



would be around 62 years. Accordingly, the writ petition is devoid of merits and stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

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5.The Tamil Nadu Public Service Commission,
Chennai.

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-82925[F] dated 22/08/2019)

+1 CC to M/s.SPL GP (SR-83155[F] dated 22/08/2019)

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-83278[F] dated 26/08/2019)

AM

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21.08.2019

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