

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2020

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.8660 of 2020
& WMP No.10489 of 2020

Shanthimeri,

... Petitioner

Vs.

1.The District Collector,
Office of Collectorate,
Salem.

2.The Commissioner,
Panchayath Union Office,
Kolathur,
Mettur Taluk,
Salem District.

... Respondents

Petitions filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to pass an appropriate order based on the petitioner's representation dated 09.06.2020.

For Petitioner ... Mr.M.Mariappan

For Respondents ... Mr.J.Ramesh, AGP

ORDER

सत्यमेव जयते

This matter is taken up through Web hearing.

2. This Writ Petition has been filed seeking for issuance of a Mandamus to direct the respondents to pass appropriate orders on the petitioner's representation dated 09.06.2020.

3.1 The petitioner was working as a Cook at the Higher Secondary School within Kolathur Panchayat Union Office, Mettur Taluk, Salem District. She was appointed on 30.06.1992 and at the time of her initial appointment, the Doctor, who examined

her, had certified her age as 30 years on the basis of her appearance. According to the petitioner, she could not produce any authentic certificate at that time as she had completed only II Standard. On the basis of age declared by the Medical Certificate, the petitioner was retired from service on 30.06.2020.

3.2. It is the case of the petitioner that before her retirement, she submitted her representation on 09.06.2020 to the respondents stating that her date of birth was 03.04.1967 and she has five more years left for actual retirement. The representation was submitted on the basis of the school register showing the name of the petitioner and her date of birth purported to be issued by the school in which the petitioner claims to have studied II Standard.

4. Notice was ordered in the Writ Petition and Mr.J.Ramesh, learned Additional Government Pleader entered appearance for the respondents and a detailed counter affidavit has also been filed. In the counter affidavit, it has been very clearly explained as to how the request for alteration of date of birth to be made and under what circumstances the request for such alteration of date of birth could be considered. Rule 49 of the Tamil Nadu State and Subordinate Rules makes it very clear that any request for alteration of date of birth shall be made within a period of 5 years from the date of entry into service and any application made beyond 5 years, will be summarily rejected. Moreover, in the counter affidavit, it is stated that the name reflected in the school register does not tally with the name of the petitioner herein. In fact, the counter affidavit in detail has cited several decisions as to the period of limitation to be applied to the request for correction of date of birth.

5. This Court, perused the documents filed in support of the claim of the petitioner and is in agreement with the averments contained in the counter affidavit and the submissions made by the learned Additional Government Pleader in this regard. The name as found in the school register does not tally with the name of the petitioner herein and how far the certificate is authentic is not for this Court to decide under Article 226 of the Constitution of India. Even otherwise, since the request has been made on the eve of her retirement, such request need not be entertained at all under the relevant Rules and also as per the law declared by the Hon'ble Supreme Court of India. In fact, in the counter affidavit respondents have cited relevant decision of the Hon'ble Supreme Court of India on this aspect

and in which case, the petitioner cannot maintain this Writ Petition at all. In any event, it appears that the claim of the petitioner is not supported by any unimpeachable document and even in that view of the matter, the Writ Petition cannot be entertained. Therefore, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

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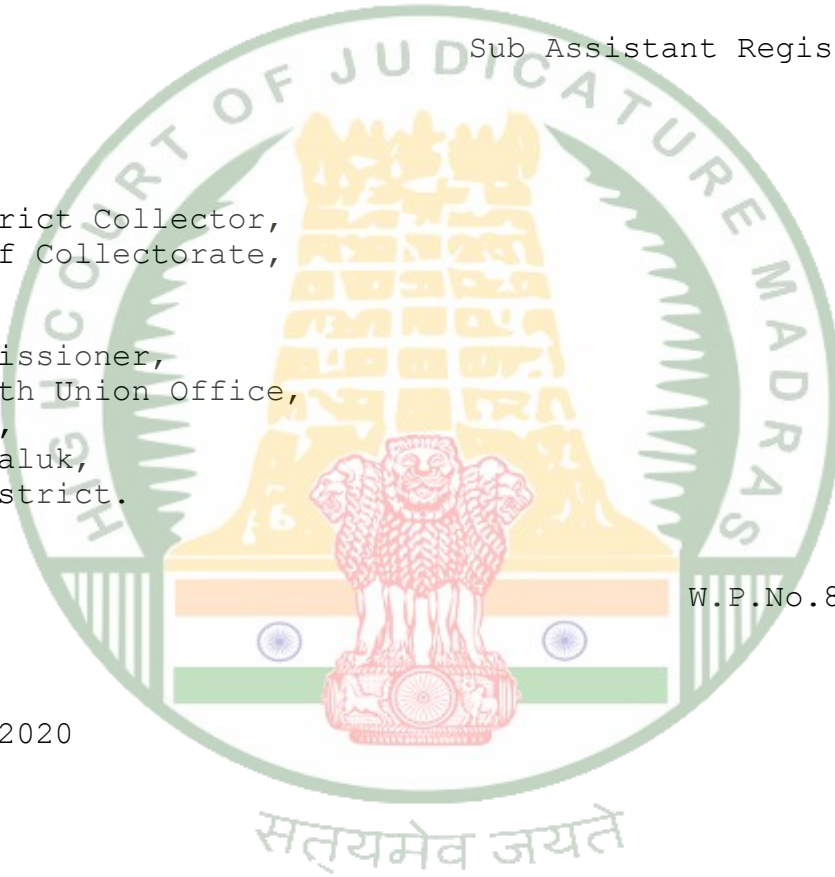
Sub Assistant Registrar

To

- 1.The District Collector,
Office of Collectorate,
Salem.
- 2.The Commissioner,
Panchayath Union Office,
Kolathur,
Mettur Taluk,
Salem District.

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