

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.01.2020

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THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No. 27202 of 2017
and WMP.No.76 of 2020

S.Sivanandham

..Petitioner

Vs

1. The Director of Tamilnadu,
Elementary Education,
Directorate of Public Instructions (DPI)
College Road, Chennai-6.

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

3. The District Elementary Educational Officer,
Thiruvarur District, Thiruvarur.

4. The Additional Assistant Elementary Educational Officer,
Kudavasal, Thiruvarur District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent vide his proceedings in O.Mu.No.1121/Aa2/2016 dated 15.02.2017 and quash the same as illegal and direct the respondents 1 to 3 to enter the actual date of

birth of the petitioner as 16.09.1963 in his service record instead of 25.12.1961 within the stipulated time as prescribed by this Hon'ble Court.

For Petitioner : M/s. A.Arulmozhi

For Respondents : Mrs.P.Kavitha
Government Advocate

ORDER

The prayer sought for in the Writ Petition is to call for the records of the 3rd respondent viz., District Elementary Educational Officer, Thiruvapur vide his proceedings in O.Mu.No.1121/Aa2/2016, dated 15.02.2017 and quash the same as illegal and direct the respondents 1 to 3 to enter the actual date of birth of the petitioner as 16.09.1963 in his service record instead of 25.12.1961, within the stipulated time.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Education) appearing for the respondents and perused the materials available on record.

3. According to the writ petitioner, he was born on 16.09.1963. But in school records his date of birth was wrongly entered as 25.12.1961. To correct the same, the writ petitioner made a representation dated 30.03.1993 to the first respondent. The first

respondent had rejected the representation of the petitioner by an order dated 13.04.1993 stating that there is no provision to change the records.

4. The petitioner joined the teaching service on 07.09.1999 as Secondary Grade Teacher and retired on 31.12.2019. On 09.08.2016 , the writ petitioner sent a representation to the first and second respondents to correct his date of birth as 16.09.1963 in the service records and to provide him re-employment from 01.01.2020 to 31.05.2020. The same was rejected vide proceedings dated 31.12.2019 in Na.Ka.No.2100/A3/2019 by the second respondent. Hence, the petitioner has filed this writ petition before this Court.

5. The learned Government Advocate(Education) appearing on behalf of the respondents, has produced the proceeding in Na.Ka.No.2100/A3/2019, dated 31.12.2019 stating that the representation made by the petitioner to the respondents to correct his date of birth in the service register and seeking re-employment from 01.01.2020 to 31.05.2020 was rejected and same was also received by the learned counsel for the petitioner.

6. In view of the above submission made by the learned Government Advocate as well as the proceedings passed by the second respondent, the prayer sought for in the present writ petition has become infructuous and nothing survives for adjudication.

7. Accordingly, the writ petition is dismissed as infructuous. No costs. However, this Court grants liberty to the writ petitioner to approach the appropriate forum and seek remedy.

28.01.2020

Index : Yes/No
Internet: Yes/No
Speaking order/Non speaking order

Note: Issue order copy on 30.01.2020

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To

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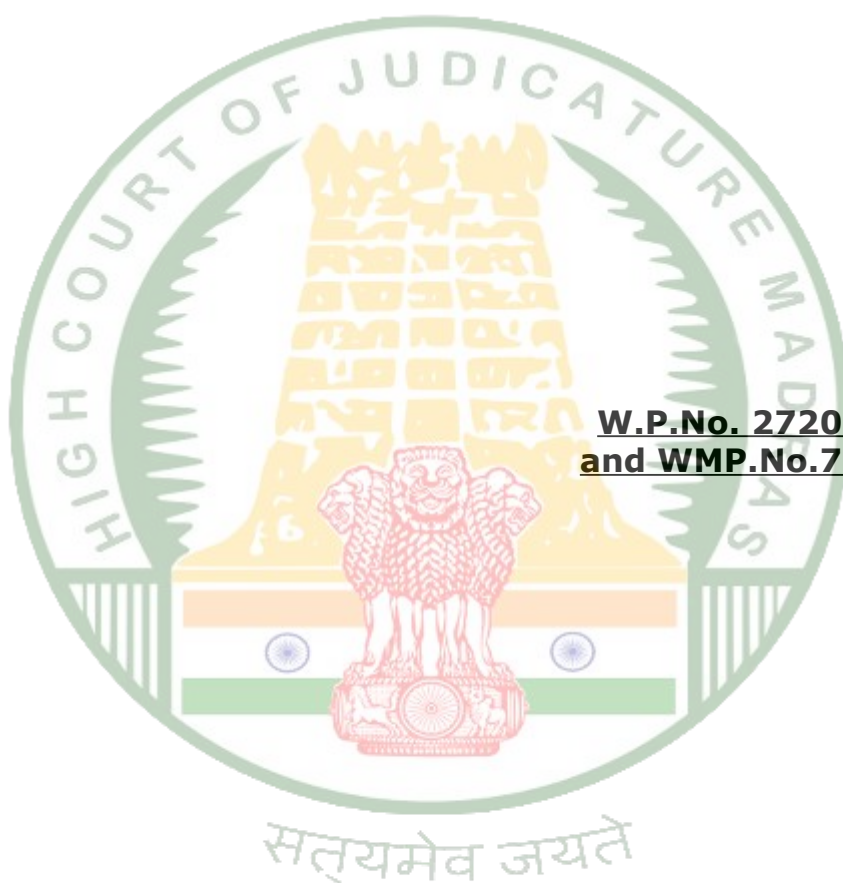


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