

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02-01-2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.35742 of 2019

Dr.B.Megala

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep.by the Secretary to Government,
Higher Education Department,
St.George Fort,
Chennai.

2.The Director of College Education,
EVK Sampath Maligai,
4th Floor, DPI Compound,
College Road,
Chennai - 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India for issuance of a Writ of Mandamus,
directing the respondents to consider the representation of
the petitioner dated 10.04.2019.

For Petitioner : Mr.K.Manimuthu Kumarasamy Mannan
for Mr.M.K.S.Sundar

For Respondents : Mr.P.S.Sivashanmuga Sundaram
Special Government Pleader

O R D E R

By consent of both parties, this writ petition is taken
up for final disposal at the admission stage itself.

2.This writ petition has been filed for a direction to
the respondent to consider the representation made by the
petitioner dated 10.04.2019 and to pass appropriate orders
within a time fixed by this Court.

3.The case of the petitioner is that she was born on
18.04.1966 . However, her date of birth was wrongly mentioned
as 11.05.1965 in the S.S.L.C certificate and this was
recorded in the service records. The petitioner joined as a
lecturer in the year 2007 and she is at the fag end of
retirement in the year 2019 and she gave a representation to
the second respondent to alter the date of birth on the ground
that the date of birth certificate issued by the Corporation

of Chennai reveals the fact that the correct date of birth is 18.04.1966. Since the representation was not considered, the present writ petition has been filed.

4.Heard the learned counsel on either side and considered the materials available on record.

5.The relief as claimed by the petitioner cannot be granted by this Court since Rule 49 of the Tamil Nadu State and Subordinate Rules, specifically provides that after a person has entered into service, application to alter the date of birth as entered in the official records can be entertained only if, such an application is made within five years of entry into service. This Court has repeatedly held that any application given after five years cannot be entertained by the employer and more particularly when the same is given at the time when the concerned employee is due for retirement. The petitioner has attempted to alter the date of birth at the far end of her service. Therefore, the application given by the petitioner cannot be entertained by the respondent.

6.In view of the above, the relief as claimed by the petitioner in the present writ petition does not deserve any consideration. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rm
To

1.The Secretary to Government,
State of Tamil Nadu,
Higher Education Department,
St.George Fort,
Chennai.

2.The Director of College Education,
EVK Sampath Maligai,
4th Floor, DPI Compound,
College Road,
Chennai - 600 006.

+1cc to Mr.L.Muthu kumar , Advocate SR.No. 232
+1 cc to Government Pleader Sr.No. 988

W.P.No.35742 of 2019

A.SK(03/02/2020)