



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.20812 of 2015
and M.P. (MD)No.1 of 2015

V.Balakrishnan

... Petitioner

-Vs-

The Assistant Commissioner/Executive Officer,
Arulmighu Mariamman Thirukovil,
Irukkankudi, Sattur Taluk,
Virudhunagar District.

... Respondent

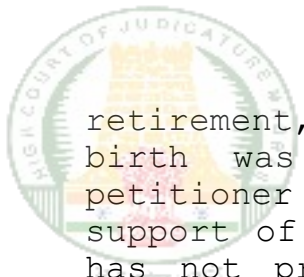
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the respondent in Se.Mu.Na.Ka.No.633/2015A3, dated 10.08.2015 and quash the same as illegal and consequently direct the respondent to permit the petitioner to serve the remaining service and receive the service benefits including salary retirement benefits etc., with interest by taking the date of birth of the petitioner as 01.07.1960 as originally recorded in the service book.

For Petitioner : Mr.M.Kannan
For Respondent : Mr.P.Mahendran
Additional Government Pleader

ORDER

The order impugned, dated 10.08.2015 allowing the writ petitioner to retire from service, is under challenge in the present writ petition.

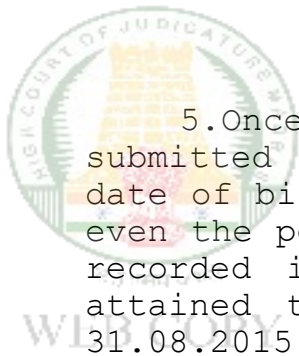
2.The petitioner states that he joined as Storekeeper in the office of the respondent in the year 1994 on compassionate ground on account of the death of his father, who was a permanent employee at Arulmighu Mariamman Thirukovil, Irukkankudi. The services of the petitioner was regularised on 03.10.2002 in the post of Storekeeper. After the appointment of the writ petitioner, the authorities recorded the date of birth of the petitioner as 13.08.1955. The date entered was not disputed by the petitioner all along and he served as Storekeeper in the Temple and retired from service on 31.08.2015 on attaining the age of superannuation. After



retirement, he filed the writ petition by stating that his date of birth was erroneously entered in the service records. The petitioner claims that his original date of birth is 01.07.1960. In support of the said date of birth i.e., 01.07.1960, the petitioner has not produced any document. Even in the writ petition, the petitioner has not enclosed any document to establish his date of birth as 01.07.1960. The authorities, after conducting an enquiry, corrected the date of birth of the petitioner as 13.08.1955 and accordingly, allowed him to retire from service on 31.08.2015.

3.The learned Additional Government Pleader appearing on behalf of the respondent states that as per the responsibilities and duties, verification of service register of the petitioner, it was found that as per the joining report, dated 03.10.2002, the petitioner had not yet produced educational qualification certificate for several years. On perusal of the records, the respondent issued the show cause notice, dated 22.02.2011 to produce the educational qualification certificates within seven days from the date of receipt of the notice. Subsequently, the petitioner received the notice and purposefully evaded the production of the certificates. The petitioner gave a representation on 02.04.2011 regarding the production of certificate. Based on the above, the Board of Trustees meeting held on 23.05.2011 and passed Resolution No.9. To implement the resolution of the board of trustees, the respondent issued the show cause notice to the petitioner on 21.06.2011 to produce the educational certificate within a month from the date of receipt of the notice. But the petitioner had not produced the same. The respondent requested the school authorities to issue the record sheet of the petitioner. On 22.10.2012, they issued the educational certificate of the petitioner, in which, it was informed that the petitioner's date of birth was 13.08.1955. Immediately, after verifying the school records on 23.01.2013, the Board of Trustees enquired the petitioner and passed Resolution No.10 and rectified the correct date of birth of the writ petitioner in the service register and allowed the petitioner to continue in service.

4.The authorities arrived at a conclusion that the petitioner was very well of the facts and deliberately gave a representation to change his date of birth. The petitioner has not produced the educational certificates before the authorities concerned. This itself is a misconduct and a person, who entered into service is bound to submit his educational certificates to the authorities for verification. The educational certificates verified through the school authorities are not disputed by the petitioner. This being the factum, the petitioner has intentionally committed misconduct by not producing the educational certificate and further submitted a representation, which is contrary to the date of birth entered in his school records.



5.Once the date of birth is entered in the school records submitted by the school authorities and the authorities found the date of birth given by the petitioner was false, without any proof, even the petitioner cannot now seek any change in the date of birth recorded in the service registers. This apart, the petitioner attained the age of superannuation and retired from service on 31.08.2015 and the writ petition itself is filed after retirement.

6.This being the factum, the petitioner is not entitled for any relief as such sought for in the present writ petition and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.E)

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Sub Assistant Registrar(CS)

sjj

To

The Assistant Commissioner/Executive Officer,
Arulmighu Mariamman Thirukovil,
Irukkankudi, Sattur Taluk,
Virudhunagar District.

+1 CC to Mr.P.MAHENDRAN, Advocate (SR-25647[F] dated 16/12/2020)

W.P. (MD) .No.20812 of 2015
14.12.2020

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