

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4152 of 2021
(Heard through VC)

V.Prema

.. Petitioner

-vs-

1. The Director of School Education,
DPI Campus, College Road,
Chennai- 600 006.
2. The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Campus, College Road,
Chennai- 600 006.
3. The Chief Educational Officer,
Chennai District,
Presidency Govt. Girls Higher Secondary School Campus,
Egmore, Chennai - 600 008.
4. The District Educational Officer,
Chennai East Educational District,
Lady Wellington Campus,
Kamarajar Salai, Triplicane,
Chennai - 600 005.
5. The Correspondent,
The Kellett Higher Secondary School
Triplicane, Chennai - 600 005.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents to pass orders for alteration of Date of Birth of the petitioner as 04.09.1963 instead of 30.05.1963 in the Service Records following the procedure contemplated under Rule 49 of Tamil Nadu State and Subordinate Service Rules / Section 59 of Tamil Nadu Government Servants (Conditions of Service Act, 2016, based on the representation submitted by the petitioner dated 28.08.2019, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.P.Raja,
Government Advocate

O R D E R

The petitioner has come forward with this writ petition seeking a direction to the respondents to pass orders for alteration of Date of Birth of the petitioner as 04.09.1963 instead of 30.05.1963 in the Service Records following the procedure contemplated under Rule 49 of Tamil Nadu State and Subordinate Service Rules / Section 59 of Tamil Nadu Government Servants (Conditions of Service Act, 2016, based on the representation submitted by the petitioner dated 28.08.2019.

2. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself. Mr.P.Raja, learned Government Advocate takes notice on behalf of the respondents.

3. According to the petitioner, at the time of joining the school, his date of birth was mentioned as 30.05.1963 instead of 04.09.1963 in the school records. After getting appointment in the 5th respondent School as a B.T. Assistant (Tamil) on 16.06.2011, when she came to know the fact that the date of birth mentioned in the school certificates is not correct, the petitioner submitted her representation dated 28.08.2019, seeking to alter her date of Birth in the Service Record as per Rule 49 of Tamil Nadu State and Subordinate Service rules, presently section 59 of Tamil Nadu Government Servants (Conditions of Service) Act, 2016. While considering the representation dated 28.08.2019, the 3rd respondent returned the same by stating that the application for alteration of date of Birth to be submitted within five years from the date of appointment in the prescribed format along with recommendation of the concerned District Educational Officer. Hence, the petitioner has filed the present writ petition for the aforesaid relief.

4. Admittedly, the Date of Birth in all the school certificates has been mentioned as 30.05.1963 for the best reason known to the parents of the petitioner. The date of birth has been given as 30.05.1963, probably, for the purpose of entry into schooling. If the date of birth was 04.09.1963, the petitioner would not have admitted in the school. Now after 57 years, the petitioner has come forward with the relief that the original date of birth is 04.09.1963 and it needs to be altered.

5. This Court has already dealt with the similar issue in W.P.(MD) No.15490 of 2020 (P.Jeyachandran vs. The Director of School Education Department and 3 others) and passed a detailed order on 06.11.2020, holding that there is nothing wrong in a person having two date of births. The original date of birth is for the purpose of marriage and another for the purpose of employment. Once there is an entry in the school

certificate, that alone will be taken into account for the purpose of employment and the question of alteration of date of birth based on the birth certificate may not arise at all. If this writ petition is allowed, everybody will knock at the doors of this Court with similar request in one way or the other after several decades.

6. Hence, finding no merits in the petition, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum

To

1. The Director of School Education,
DPI Campus, College Road,
Chennai- 600 006.
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+1cc to Mr.G.Sankaran, Advocate SR.11989

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MG(CO)
CB(19/03/2021)