

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

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THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.11005 of 2021

Revathi. G

... Petitioner

Vs.

1. The Secretary to Government,
Higher Education Department,
St.George Fort, Chennai - 600 009.
2. The Secretary to Government,
Revenue Department,
St.George Fort, Chennai - 600 009.
3. The Commissioner of Revenue Administration,
Ezhilagam Building, Chepauk,
Chennai - 600 005.
4. The Principal,
Government Arts College,
Elaiyamuthurprivi, Udumalpet - 642 126.
5. The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Park Town, V.O.C. Nagar,
Chennai - 600 003.

सत्यमेव जयते ... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to consider the representation sent by the petitioner to the respondents dated 07.01.2021 and alter the date of birth of the petitioner from 05.10.1965 to 06.08.1966 after conducting appropriate enquiry as per Section 59 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

For Petitioner : Mr.Naveen Kumar Murthi

For Respondent
Nos.1 & 4 : Mr.Karthikei Balan
Government Advocate

For Respondent
Nos.2 & 3 : Mr.P.V.Selvakumar
Additional Government Pleader

O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Mandamus directing the first respondent to consider the representation sent by the petitioner to the respondents dated 07.01.2021 and alter the date of birth of the petitioner from 05.10.1965 to 06.08.1966 after conducting appropriate enquiry as per Section 59 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

2. Heard the learned counsel appearing for the parties.

3. The petitioner was appointed as Assistant Professor under the respondents on 22.07.2015. Her date of birth is 05.10.1965, whereas, it is wrongly entered as 06.08.1966. Therefore, for correction of date of birth, she made a representation on 07.01.2021. As per Section 59 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, the application should be made within a period of five years from the date of appointment. However, due to the Covid-19 conditions and health reasons, she made the representation only on 07.01.2021 with a delay of six months. Therefore, the petitioner prays that as per the judgment of the Hon'ble Supreme Court in respect of limitation during pandemic, a direction to consider the representation without insisting on five years period which falls during the pandemic period.

4. Mr.Karthikei Balan, learned Government Advocate appearing for respondent Nos.1 and 4 would submit that the Government has issued the guidelines vide Letter No.14914, dated 18.07.2018. Therefore, the respondent would consider the representation in the light of the above-said letter.

5. Considering the facts and circumstances and also limited request made, a direction is issued to the third respondent to consider the representation of the petitioner in

the light of the Government's letter dated 18.07.2018 and also the judgment of the Hon'ble Supreme Court with regard to limitation during pandemic period and pass orders as expeditiously as possible.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Higher Education Department,
St.George Fort, Chennai - 600 009.
2. The Secretary to Government,
Revenue Department,
St.George Fort, Chennai - 600 009.
3. The Commissioner of Revenue Administration,
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4. The Principal,
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5. The Secretary,
Tamil Nadu Public Service Commission,
Park Town, V.O.C. Nagar, Chennai - 600 003.

+2ccs to M/s.S.Varsha, Advocate Sr.26568
+1cc to the Government Pleader Sr.27069 and 27043

W.P.No.11005 of 2021

vbm[co]
srg 08/07/2021