



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.15171 of 2013

and

M.P (MD)No.1 of 2014

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A.R.Ganapathy Sundaram

... Petitioner

Vs.

1.The Director of School Education,
Nungambakkam,
Chennai-34.

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

3.The Commissioner of Revenue Administration,
Ezhilagam,
Chennai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 & 2 to call for report from the 3rd respondent and complete the process on the petitioner application dated 09.04.2008 with regard to alteration of date of birth in the petitioner's service record.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondents : Mrs.S.Srimathi

Special Government Pleader

O R D E R

This writ petition is filed by the petitioner for a direction to the respondents 1 & 2 to call for the report from the third respondent and complete the process on the petitioner's application, dated 09.04.2008, with regard to the alteration of date of birth in the petitioner's service record.

2.The case of the petitioner is that he was appointed as a Noon Meal Organizer and thereafter, he appeared for TRB examination and he was selected and appointed as B.T. Assistant (Tamil) in the year 2004. In such circumstances, his date of birth was wrongly entered in his certificates as 11.04.1956. The petitioner's original date of birth is 22.07.1956. Hence, the petitioner made an application on 12.04.2007 for alteration of his date of birth, through proper channel. Pursuant to which, the Joint Commissioner of Revenue Administration, by communication dated 30.07.2007 informed the



petitioner that the application should be submitted through Education Department. Hence, the Headmaster of Govt. Boys Hr. Sec. School, Sayalkudi, forwarded the petitioner's application on 09.04.2008 to the second respondent. This was happened within 5 years from the date of the petitioner's appointment. After receiving the said application, the second respondent called upon the petitioner to produce some documents, by letter dated 23.06.2004. Further, if any application is made for changing of date of birth, the appointing authority shall consider the same after obtaining report from the Revenue Divisional Officer. Hence, the petitioner made a representation to the third respondent to submit a report to the second respondent. But, till date, no action has been taken. Hence, the present writ petition has been filed for the aforesaid relief.

3.The learned counsel appearing for the petitioner submitted that the petitioner entered into service in the year 2004 and his original date of birth is 22.07.1956, which was wrongly mentioned in his certificates as 11.04.1956. Hence, he made an application in the year 2007 for alteration of his date of birth. The said representation was forwarded through the Headmaster of Govt.Boys Hr. Sec. School, Sayalkudi. It is evident from the proceedings, dated 11.11.2008 that the said application is pending before the Director of School Education. So far, no order has been passed. Therefore, he prays the aforesaid relief stated in the writ petition.

4.The learned Special Government Pleader appearing for the respondents submitted that the petitioner's representation will be considered in accordance with law within a reasonable time as fixed by this Court.

5.Considering the facts and circumstances of the case, the facts in this case are not in dispute. Admittedly, the petitioner has made an application for alteration of date of birth and the said application was forwarded through the Headmaster of the School to the first respondent. On a perusal of the proceedings, dated 28.12.2010, it is seen that the said application was returned to the Headmaster with an endorsement that the petitioner has to annex the copy of the S.S.L.C certificate and Higher Secondary School Certificate. Pursuant to the proceedings dated 28.12.2010, the Headmaster of the School annexed all the particulars and sent it to the Chief Educational Officer, on 12.01.2011. Again, the said application was returned on 27.04.2011, on the ground that proper annexures were not enclosed in the said application. However, there is no evidence available in this writ petition whether the application was re-presented or not. It appears that subsequently, the petitioner had retired from service on 30.04.2014. However, the petitioner has not taken any effective steps in this regard.

6.In view of the above, the prayer sought for in this Writ Petition cannot be granted. Hence, this Writ Petition is dismissed.



No costs. Consequently, connected miscellaneous petition is closed.
Sd/-

Assistant Registrar (ADII)

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Sub Assistant Registrar(CS)

To

- 1.The Director of School Education,
Nungambakkam,
Chennai-34.
- 2.The Chief Educational Officer,
Ramanathapuram District,
Ramanathapuram.
- 3.The Commissioner of Revenue Administration,
Ezhilagam,
Chennai.

+1CC to Mr.S.Srinivasa Raghavan, Advocate, SR.No.3376 dated
04.02.2021

W.P. (MD) No.15171 of 2013
and
M.P (MD) No.1 of 2014
02.02.2021

NSM(CO)
KB(16.02.2021) 3P 5C