



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD) No.6851 of 2021

and

W.M.P. (MD) Nos.5266 and 5267 of 2021

T.Maragathamayil

... Petitioner

Vs.

1.The Personal Assistant to
District Collector, (Noon Meal),
Virudhunagar District.

2.The Block Development Officer,
(Village Panchayat),
Narikudi Union,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent herein in his proceedings in Na.Ka.No.R3/135/2020, dated 04.02.2021 and quash the same and consequently direct the respondents herein to permit the petitioner to work as per amended date of birth i.e., 03.05.1969 as per her school records, such other and further relief which this Court deems fit and proper in the circumstances of this case

For Petitioner : Mr.Arun Swaminathan.RM

For Respondents : Mrs.V.P.M.Vaishnavi,
Government Advocate for R1
Mr.K.Sathiya Singh for R2.

ORDER

Heard the learned counsel for the petitioner, the learned Government Advocate for the first respondent and the learned counsel for the second respondent. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



2.The petitioner was employed as Noon Meal Assistant on 28.06.1994 and thereafter, she was promoted as a Cook. The petitioner came to know that her date of birth is wrongly entered in her service register book as 01.06.1963 instead of 03.05.1969. Hence, the petitioner made an application on 30.01.2021, seeking alteration of date of birth. The said application is rejected on the ground that the application is not made within a period of five years from the date of appointment. The same is challenged in this writ petition.

3.The learned counsel for the petitioner submitted that the petitioner came to know about the entry of wrong date of birth in her service register book recently. The petitioner made an application for change of the date of birth immediately.

4.The facts in the present is not disputed. The petitioner joined in the service in the year 1994 and made application for alteration of date of birth in the year 2021. As per Rule 49(b) of the Tamil Nadu State Subordinate Rules, the application for alteration of date of birth should be made within a period of five years from the date employment. In the case on hand, the petitioner submitted her application for alteration of date of birth beyond the limitation period. Hence, this Court finds no ground to interfere with the order impugned in this writ petition. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

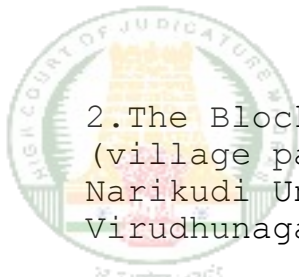
Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To:

The Personal Assistant to
District Collector, (Noon Meal),
Virudhunagar District.



2.The Block Development officer,
(village panchayat),
Narikudi Union,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-13903[F] dated 26/03/2021)

+1 CC to M/s.SPL GP (SR-14111[F] dated 29/03/2021)

W.P (MD) No. 6851 of 2021
25.03.2021

GS(20.04.2021) 3P 5C