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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.3755 of 2022
and
W.M.P.No.3897 of 2022

V.Latha

... Petitioner

vs.

1. The Commissioner,
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Presidency Girls Higher Secondary School Campus,
Egmore, Chennai - 600 008.
3. The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pass orders to alter the date of birth of Petitioner in the Service Register as 16.05.1964 instead of 03.05.1962 as per Rule 49 of Tamil Nadu State and Subordinate Service Rules/Section 59 of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 forthwith and consequently allow the petitioner to continue in service till the date of retirement based on her original date of birth 16.05.1964, with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Nanmaran
Additional Government Pleader

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to alter the date of birth of the Petitioner in the Service Register as 16.05.1964 instead of



03.05.1962 as per Rule 49 of Tamil Nadu State and Subordinate Service Rules/Section 59 of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 forthwith and consequently allow the petitioner to continue in service till the date of retirement based on her original date of birth 16.05.1964, with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

2. The case of the petitioner in brief:

The petitioner was appointed as a Physical Education Teacher in School Education Subordinate Service through Employment Exchange and later, her service was regularized with effect from 02.07.2000. The petitioner was born on 16.05.1964 and it was duly registered in the Health Department of Corporation of Chennai and her elder brother V.Nagaraju born on 10.08.1962, which was also duly registered. However, at the time of admission in school, the petitioner's date of birth was wrongly given as 03.05.1962, instead of 16.05.1964. The petitioner submitted application to alter her date of birth as 16.05.1964 in the service Register, along with the necessary documents, through proper channel and it was forwarded to the third respondent. As per the entry of date of birth in the service register, her retirement on superannuation date is 31.05.2022. The respondents have not passed orders till date on the application submitted by the petitioner to alter her date of birth. Hence this writ petition.

3. The learned Additional Government Pleader submitted that, the representation of the petitioner will be considered by the authorities concerned and appropriate orders will be passed, in accordance with law, within a time frame as fixed by this court.

4. In view of the above submissions and also considering the limited scope of prayer, without expressing any opinion on merits, this court is inclined to pass orders.

5. Accordingly, it is ordered as follows:

i) The first respondent is directed to consider the representation of the petitioner, and pass orders on its own merits, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after providing opportunity of hearing to the petitioner, if necessary.

6. With the above direction, the writ petition is disposed



of. No costs. Consequently, connected writ miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Commissioner,
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Presidency Girls Higher Secondary School Campus,
Egmore, Chennai - 600 008.
3. The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.12621

+1cc to the Government Pleader, S.R.No.13086

W.P.No.3755 of 2022 and
WMP No.3897 of 2022

NMI (CO)
SU(11/03/2022)