



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.15920 of 2021

V.Dayalan

... Petitioner

vs.

1. State of Tamil Nadu  
Rep. by Secretary to Government,  
Information and Public Relation Department,  
Fort St. George,  
Chennai 600 009.
2. The Director,  
Information and Public Relation Department,  
Government of Tamil Nadu,  
Fort St. George,  
Chennai 600 009.
3. The Commissioner of Revenue Administration,  
Chepauk,  
Chennai 600 005.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Letter issued by the 1<sup>st</sup> respondent in Letter No.18306/Nir.1/2019 dated 13.01.2020 and to quash the same and consequently, directing the respondents to refer the application for enquiry by the 3<sup>rd</sup> respondent and to pass orders for date of birth alteration in accordance with law, with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.Nedunchezhiyan  
for Mr.G.Sankaran

For Respondents : Mr.T.Chezhiyan  
Additional Government Pleader  
RR 1 to 3



## O R D E R

This Writ Petition has been filed seeking to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Letter issued by the 1<sup>st</sup> respondent in Letter No.18306/Nir.1/2019 dated 13.01.2020 and to quash the same and consequently, directing the respondents to refer the application for enquiry by the 3<sup>rd</sup> respondent and to pass orders for alteration of date of birth in accordance with law, with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

2. According to the petitioner, the petitioner was appointed as Assistant Public Relation Officer (Publicity) in the respondents/Department in the year 2010. Thereafter, he was promoted as Assistant Public Relation Officer (Information) in the year 2013. Further, he was promoted as Public Relation Officer on 14.12.2015.

3. According to the petitioner, at the time of his appointment, his date of birth has been entered as 05.01.1962 in the Service Register based on the entry in the school records, whereas, his actual date of birth is 21.08.1963. According to him, at the time of admitting him in school, the petitioner's parents wrongly given his date of birth as 05.01.1962 instead of 21.08.1963. Therefore, the petitioner has submitted an application dated 03.06.2013 under Rule 49(c) of General Rules, presently Section 59 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 before the 2<sup>nd</sup> respondent for alteration of date of birth entry in the service register. But the same has not been considered. Thereafter, the petitioner made another application dated 21.12.2019 to the 2<sup>nd</sup> respondent seeking alteration of date of birth. The said application has not been considered and forwarded to the Commissioner of Revenue Administration for enquiry. Aggrieved by the same, the petitioner has filed writ petition in W.P.No.797 of 2020 before this Court.

4. This Court by an order dated 27.01.2020 has directed the respondents therein to pass orders in the application submitted by the petitioner in accordance with law, within a stipulated time.

5. Pursuant to the same, the 1<sup>st</sup> respondent by the impugned order dated 13.01.2020 has considered and rejected the said application for the reason that the application for alteration of date of birth was not submitted within five years from the date of appointment as required under Section 59(3) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.



Challenging the same, he has filed the instant writ petition before this Court.

6. The learned counsel appearing for the petitioner submitted that the aforesaid application was rejected by the 1<sup>st</sup> respondent on the ground that the said application was submitted beyond the period of five years under Section 59(3) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. According to him, the reasons stated by the 1<sup>st</sup> respondent is totally unsustainable on the ground that the said application has been filed within five years. Therefore, the impugned order is liable to be quashed.

7. The learned counsel appearing for the petitioner also relied upon the application dated 03.06.2013 which has been filed in the additional typed-set of papers.

8. The 2<sup>nd</sup> respondent has filed counter affidavit, wherein it has been specifically stated that the petitioner has not submitted the application within five years period and his application has been considered and rejected on the ground that the said application filed after a lapse of nine years. Therefore, the said rejection order is perfectly valid.

9. Inviting the attention of this Court, the learned Additional Government Pleader appearing for the respondents by relying upon the application dated 03.06.2013, which has been enclosed in the typed-set of papers, where there is no such endorsement made in the said application. Now, the petitioner has filed additional typed-set of papers along with endorsement of the department made in the said application. He further submitted that the genuineness of the application submitted by the petitioner has to look into the authority concerned on verifying the records. If such application is pending on the file of the 2<sup>nd</sup> respondent, it will be considered and to pass appropriate orders.

10. On perusal of the records, it reveals that the said application dated 03.06.2013, where there is a doubt raised by respondents about the genuineness of the application.

11. In view of the above said submissions made by the parties and considering the facts and circumstances of the case, this Court is inclined to pass orders as follows:-

(i) The impugned Letter No.18306/Nir.1/2019, dated 13.01.2020 issued by the 1<sup>st</sup> respondent is quashed.

(ii) The petitioner is directed to submit application along with endorsement made by the 2<sup>nd</sup> respondent/Department and other



records before the 1<sup>st</sup> respondent, within a period of two weeks from the date of receipt of a copy of this order.

(iii) If such application received by the 1<sup>st</sup> respondent, the 1<sup>st</sup> respondent is directed to verify the entire records and examine the genuineness of the said application, which has been duly endorsed by the 2<sup>nd</sup> respondent/Department and ultimately, if it is genuine the 1<sup>st</sup> respondent shall consider the same and to pass appropriate orders on merits and in accordance with law, as early as possible, within a period of twelve weeks from the date on which the records received from the petitioner.

(iv) If it is found not genuine, the 1<sup>st</sup> respondent is directed to pass appropriate orders.

12. With the above directions, the writ petition stands allowed. No costs.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dm

To

1. The Secretary to Government,  
Information and Public Relation Department,  
Fort St. George, Chennai 600 009.
2. The Director,  
Information and Public Relation Department,  
Government of Tamil Nadu,  
Fort St. George, Chennai 600 009.
3. The Commissioner of Revenue Administration,  
Chepauk, Chennai 600 005.

+1cc to M/s. A.Moheshnath, Advocate, S.R.No.39729

+1cc to the Special Government Pleader, S.R.No.40118

W.P.No.15920 of 2021

MG(CO)  
UMA(05/07/2022)