



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.02.2022
CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.23895 of 2021
and WMP.No.25211 of 2021

S.Rani

.. Petitioner

vs.

1.State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
School Education Department,
Fort St.George, Secretariat,
Chennai-600 009.

2.The Commissioner of School Education,
DPI Campus, College Road,
Chennai-600 006.

3.The Director of Government Examinations,
DPI Campus, College Road,
Chennai-600 006.

4.Teachers Recruitment Board,
Rep. By its Chairman,
DPI Campus, College Road,
Chennai-600 006.

.. 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 allow the petitioner to participate in the selection to the post of P.G. Assistant in pursuant to the Notification issued by the 4th respondent in Advertisement No.01/2021 dated 09.09.2021 and subsequently, G.O.Ms.No.144, School Education Department dated 18.10.2021 issued by the 2nd respondent, in consideration of date of birth as per original birth extract as 22.11.1976 by accepting application through offline in physical form and consequently direct the 3rd respondent to consider the application for change of date of birth in SSLC Mark Sheet, within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.R.Neelakandan,
Additional Advocate Generality
assisted by
Mr.C.Kathiravan,
Special Govt. Pleader
for R4



Mr.V.Nanmaran,
Additional Government Pleader for R1 to R3

O R D E R

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By consent, this writ petition is taken up for final disposal.

2. The prayer in the writ petition is for a Mandamus directing the respondents to allow the petitioner to participate in the selection to the post of P.G. Assistant in pursuant to the Notification issued by the 4th respondent in Advertisement No.01/2021 dated 09.09.2021 and subsequently, G.O.Ms.No.144, School Education Department dated 18.10.2021 issued by the 2nd respondent, in consideration of date of birth as per original birth extract as 22.11.1976 by accepting application through offline in physical form and consequently direct the 3rd respondent to consider the application for change of date of birth in SSLC Mark Sheet, within a time frame.

3. The petitioner is qualified with B.Sc., (Botany) in the year 1996 and B.Ed., in the 2008 and qualified with M.Sc., (Botany) in the year 2010 and therefore, she is eligible for appointment to the post of P.G. Assistant in Botany in the Tamil Nadu Higher Secondary Education Service. Her date of birth has been registered in the Register of Birth and Death Act, 1969 in Palacode Town Panchayat as 22.11.1976. Whereas, at the time of admission to school, the petitioner's date of birth was wrongly given as 22.05.1976 in the school records. Now the Government had issued notification in G.O.Ms.No.144, School Education [Pa.Ka.2(1)] Department dated 18.10.2021, increasing the age limit for appointment of teaching posts as 45 years for open category and 50 years for reserved category. Accordingly, as per the said Government Order, the petitioner should not have completed 45 years of age at the time of notification, to participate in the selection. The petitioner had already submitted application to the third respondent for change of date of birth in the SSLC Mark Sheet based on the original birth extract and the same is pending consideration before the third respondent. Therefore, the petitioner has filed the present writ petition.

4. Mr.G.Sankaran, learned counsel for the petitioner would submit that the petitioner is not eligible to apply for the post of P.G. Assistant as per the notification, since there is a dispute with regard to her date of birth and the petitioner has also made application to the third respondent for making corrections in the date of birth register and the same is pending consideration.

5. The third respondent has filed a counter affidavit, wherein it has been stated that the third respondent is not



the competent authority to make corrections in the Date of Birth entered in the SSLC Certificate and only the Commissioner of School Education, Chennai / second respondent is the competent authority to issue orders for correcting the Date of Birth in the School Records.

6. This Court has passed interim orders dated 08.11.2021 permitting the petitioner to participate in the selection process, subject to further orders of this Court.

7. The learned counsel for the petitioner undertakes that the petitioner will not seek for any legal right in the event of his application to be submitted before the Commissioner of School Education, Chennai is rejected and the said decision would be final.

8. Recording the said undertaking given by the learned counsel for the petitioner, this Court, without prejudice to the rights and contentions of parties, permits the petitioner to make an application seeking correction of Date of Birth to the Commissioner of School Education, Chennai on 10.02.2022 and on such application being made, the Commissioner of School Education / second respondent herein shall consider the said application and pass orders, as expeditiously as possible, without any delay so as to avoid further complications. It is also made clear that the fourth respondent shall take decision, subject to the decision taken by the second respondent.

9. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Jvm

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St.George, Secretariat,
Chennai-600 009.



2.The Commissioner of School Education,
DPI Campus, College Road,
Chennai-600 006.

3.The Director of Government Examinations,
DPI Campus, College Road,
Chennai-600 006.

4.The Chairman,
Teachers Recruitment Board,
DPI Campus, College Road,
Chennai-600 006.

+1cc to Mr.G.Sankaran, Advocate SR.No.8472 (11/03/2022)

+1cc to Mr.C.Kathiravan, Advocate SR.No.8719 (11/03/2022)

W.P.No.23895 of 2021

ss (CO)
A.SK (09.02.2022)
GMY (11/03/2022)