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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.19718 of 2017

A.Natarajan ...Petitioner

-Vs-

1. The State of Tamil Nadu,
   Rep. by its Secretary,
   School Education Department,
   Secretariat, Chennai.

2. The Director,
   School Education Department,
   College Road, DPI Campus,
   Chennai-6.

3. The Joint Director of
   School Education Department (Paniyalar Thoguthi)
   College Road, DPI Campus,
   Chennai-6.

4. The District Educational Officer,
   District Educational Office,
   Sathuvachari, Vellore-9. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to change the petitioner's date of birth in his service records as 14.03.1966 instead of 14.03.1965 and further direct the respondents to

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extent his date of superannuation one year by taking into consideration of his original date of birth as 14.03.1966.

For Petitioner : Mr.A.Gauthaman

For Respondents : Mrs.E.Ranga Nayaki,
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to change the petitioner's date of birth in his service records as 14.03.1966 instead of 14.03.1965 and further direct the respondents to extend his date of superannuation one year by taking into consideration his original date of birth as 14.03.1966.

2. The petitioner states that he was appointed as Junior Assistant on 01.07.2004 temporarily for the period of 5 years. Subsequently, the services of the writ petitioner was regularised. The petitioner states that he submitted an application seeking alteration of date of birth on 05.09.2008 within a period of 5 years from the date of his initial appointment. The application was processed by the competent authorities and there were several correspondences between the departmental authorities and the petitioner, more so, the authorities asked the

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petitioner to submit relevant documents, since they have to conduct an inquiry in respect of the claim made by the writ petitioner. Since the petitioner was not in a position to submit all the relevant documents immediately, he secured the documents and submitted the same before the authorities in a periodical manner. Thus, there was a delay in completing the process of submission of relevant documents to the authority. The enquiry is yet to be conducted.

3. The counter filed by the 4th respondent reveals that there were exchange of correspondences between the official respondents on the one hand and the Headmaster of the concerned school, where the petitioner is working, on the other hand. The claim of the petitioner, in accordance with the rules, has to be considered by conducting an appropriate enquiry into the issues.

4. It is needless to state that the authorities are bound to conduct an enquiry with reference to the documents submitted by the writ petitioner for alteration of his date of birth. The petitioner on the one hand says that his birth was registered in the year 1966 in the Birth Register maintained by the Commissioner of Arkkonam Municipality and the certificate was

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issued to that effect, but on the other hand the Secondary School Leaving Certificate issued in March 1980 reveals that the date of birth of the writ petitioner is 14.03.1965. That apart, the legal heirship certificate furnished by the petitioner reveals that his date of birth was mentioned as 14.03.1966. In view of different entries made in the School Certificate as well as in the Birth Certificate issued by the municipality, the authorities have to conduct a thorough enquiry with reference to the genuinity of the documents and to ascertain the correct date of birth of the writ petitioner, for the purpose of taking further action in accordance with the rules.

5. In view of the facts and circumstances, the respondents are directed to conduct a detailed enquiry with reference to the documents filed by the petitioner and initiate all appropriate actions in accordance with the rules in force and pass final orders as expeditiously as possible.

6. The learned Additional Government Pleader made a submission that the enquiry regarding the date of birth is to be conducted by the Revenue Officials under Rule 49 of the Tamil Nadu States and Subordinate Service Rules, thus, the respondents have to furnish all the available details to the competent Revenue Authority for the purpose of

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conducting an enquiry under Rule 49, who in turn has to conduct an enquiry and submit a report, enabling the respondents to consider the case of the writ petitioner.

7. With the above directions, this writ petition stands disposed of. No costs.

21.09.2022

Index:Yes
Speaking order
sha/gpa

To

1. The Secretary,
   State of Tamil Nadu,
   School Education Department,
   Secretariat, Chennai.

2. The Director,
   School Education Department,
   College Road, DPI Campus,
   Chennai-6.

3. The Joint Director of
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S.M.SUBRAMANIAM, J.

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   Sathuvachari, Vellore-9.

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