



WP(MD)No.16361 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.16361 of 2022

Angelin Kirubakaram

... Petitioner

/vs./

1.The Chief Educational Officer,
Office of the Chief Educational Officer, Madurai.

2.The Head Mistress,
Kakkai Padiniyar Girls Higher Secondary School,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to consider petitioner's representation dated 11.10.2021 for correcting the date of birth of petitioner into his service register as 24.02.1965 as per the original birth certificate officially issued by the Registrar of Births and Deaths.

For Petitioner : Mr.M.Muthu Kavitha

For Respondents : Mr.S.Shaji Bino

Special Government Pleader (for R1)



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ORDER

The petitioner herein had joined the services of the School Education Department as BT.Assistant (Maths) on 10.10.2007. As per the certificate of date of birth issued by the Registrar of Births and Deaths, the petitioner's date of birth was shown as 24.02.1964. Alleging that her date of birth has been wrongly shown as 24.02.1964 instead of 24.02.1965, she had filed a suit in O.S.No.121 of 1999 before the District Munsif Court, Melur, seeking for alteration of her date of birth and by a Judgment and Decree dated 27.09.2000, the suit came to be decreed by declaring the petitioner's date of birth as 24.02.1965.

2.The School, as well as the Educational Department, had preferred an appeal in A.S.No.143 of 2001, before the First Additional Sub Court, Madurai, against the Judgment and Decree passed by the District Munsif Court, Melur and by Judgment dated 15.12.2004, the appeal came to be allowed and the Judgment and Decree passed by the District Munsif Court, Melur in O.S.No.121 of 1999



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dated 27.09.2000 came to be set aside. It is not in dispute that no further appeal was filed against the Judgment in A.S.No.143 of 2001 and as such, no benefit could be derived by the petitioner from these civil proceedings. The petitioner now seeks for a direction to the respondents to consider her representation dated 11.10.2021, wherein she has sought for alteration of her date of birth from 24.02.1964 to 24.02.1965.

3.Section 59 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, provides that every Government Employee, who intends to have his/her date of birth to be changed in service records within a period of five years from the date of the employment.

4.Admittedly, the application made by the petitioner is after the period of five years, as prescribed in Section 59 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. If that be so, the request of the petitioner, after the specified period for alteration of her date of birth, is in violation of limitation provided under Section 59 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and therefore, cannot be sustained. As such, the request



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made by the petitioner in her representation does not require consideration.

Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

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Index : Yes / No
Internet : Yes / No
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TO:

- 1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Madurai.



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M.S.RAMESH, J.

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Order made in
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Dated:
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