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W.P.No.149 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM :  
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

**Writ Petition No.149 of 2020**  
**and W.M.P.No.187 of 2020**

K.Malliga

... Petitioner

Vs.

- 1.Union of India,  
Rep. by the Secretary to Government,  
Social Welfare,  
Secretariat,  
Puducherry.
- 2.The Director,  
Department of Women and Child Development,  
Saram,  
Puducherry.
- 3.The Managing Director,  
Puducherry Corporation for the  
Development of Women and Differently  
Able persons Limited,  
Government of Puducherry Undertaking,  
Natesan Nagar,  
Puducherry – 605 005.
- 4.The Project Executive Officer,  
Department of Women and Child  
Development,



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Karaikal.

... Respondents

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Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Declaration declaring that the unauthorized correction made in the Service Register of the petitioner mentioning the date of birth as 30.09.1959 instead of 25.12.1961 as illegal and consequently to direct the respondents to permit the petition to continue in service till 31.12.2021 on the basis of the original date of birth i.e. 25.12.1961 recorded in the Service Register of the petitioner.

For Petitioner : Mr.M.Gnanasekar

For Respondents : M/s.G.Djearany,  
Government Advocate

### **ORDER**

This writ petition has been filed by the petitioner seeking to declare that the unauthorized correction made in the Service Register of the petitioner mentioning the date of birth as 30.09.1959 instead of 25.12.1961 as illegal and consequently to direct the respondents to permit the petition to continue in service till 31.12.2021 on the basis of the original date of birth i.e. 25.12.1961 recorded in the Service Register of the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner



was appointed as Anganwadi Helper on 07.01.1987. At the time of employment, she has given her school certificate and other School Records, wherein, the Date of Birth was mentioned as 25.12.1961. Moreover, in the list of Anganwadi Workers maintained by the Department as well as in the Aadhaar Card, the date of birth of the petitioner was mentioned as 25.12.1961. Thereafter, she was brought to regular establishment on 01.05.2005 and now she is working as Women Development Multipurpose Helper. This being so, the date of birth mentioned in the service record was unauthorizedly altered by one Victoria, who was the President of Anganwadi Staff's Association and she changed the original date of birth 25.12.1961 as 30.09.1959.

3. Learned counsel for the petitioner further submitted that the petitioner is due to retire from service in the normal course of superannuation on 31.12.2021. As per the altered date of birth, she has to retire from service with effect from 30.09.2019. When the petitioner came to know about the unauthorized correction made in her service book, she reported the same to the Project Officer, ICDS, Karaikal on 16.04.2016, requesting action to be



taken against the said Victoria for illegal manipulation of service records.

However, she made a request regarding her date of birth under Right to Information Act and in the reply given under the Right to Information Act on 19.08.2016, the petitioner's name was appeared in Sl.No.149 and her date of birth was mentioned as 25.12.1961. Hence, the petitioner has come forward with the present writ petition against the unauthorized correction of Date of Birth made in her Service Record.

4. Learned counsel appearing for the respondents submitted that the petitioner was initially engaged as honorary paid Anganwadi Helper under Integrated Child Development Services Project-II, Karaikal with effect from 07.01.1987. Subsequently, the petitioner was absorbed in Puducherry Corporation for the Development of Women and Differently Able Persons Ltd., as Women Development Multipurpose Helper with effect from 01.05.2005. At the time of initial engagement as Anganwadi Helper, the petitioner had produced her study certificate, in which, her date of birth is mentioned as 25.12.1961 and had not produced any authorized certificate in support of her age from the Competent Authority to ensure her date of birth.



Consequently, during the absorption of Women Development Multipurpose Helpers, 241 Anganwadi Helpers including the petitioner were instructed to produce authorized proof of date of birth. However, these 241 Anganwadi Helpers could not produce any valid proof for age.

5. Learned counsel appearing for the respondents further submitted that the Department in co-ordination with Health Department constituted a committee for determining the age and directed the Anganwadi Helpers, who could not produce their age proof to appear before this Committee for determination of age. The petitioner was also one among the Helpers, who appeared before the Age Determination committee in December 2006. The petitioner did not produce any valid document before the Committee in support of her age. However, during examination, the petitioner cooperated with the Members of the Committee and did not raise any objection. The committee enquired the petitioner and verified the following documents which were produced by the petitioner at the time of appearing before the



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committee:

a. Initial appointment

b. Ration card

c. Election I.D. card

d. Marriage proof

e. 1 st child born

f. Physical appearance

g. Any other documents.

After perusal of the above said documents, the Committee determined the date of retirement of the petitioner as September 2019.

6. Heard the learned counsel on either side and perused the materials available on record.

7. On perusal of the records, it can be seen that the Date of Birth of the petitioner at the time of her initial appointment is 25.12.1961. However, in the Minutes of 3<sup>rd</sup> meeting of the Committee on Determination of Age of Anganwadi Staff, the age of superannuation of the petitioner was declared as September 2019 and it is pertinent to note that the name was mentioned as



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G.Maliga of Valathamangalam, whereas, the name of the petitioner herein is K.Maliga.

8. In view of the above irony, this Court directed the learned counsel appearing for the respondents to produce the Service Record of the petitioner, **in which, the date of birth in Column No.6 was mentioned as 25.12.1961, wherein, above the same, whitener was applied, however, the date is visible clearly and shown as 25.12.1961. Hence, as per the original Service Register submitted by the respondents, it is crystal clear and evident that the petitioner's date of birth mentioned in column No.6 of Service Register is 25.12.1961 and not 30.09.1959 and she is due to retire on 31.12.2021 instead of 30.09.2019.** However, based on the date of birth, which was corrected by one Victoria as 30.09.1959, the respondents issued a relieving order dated 19.09.2019 with effect from 30.09.2019.

9. The fourth respondent/Child Development Project Officer, Karaikal has submitted the pay details of the petitioner vide No.120/DWCD/KKL/2023-24 dated 18.07.2023 containing the salary details



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from October 2019 to December 2021, which comes to a sum of Rs.7,70,685/- and the details were also given on month wise.

**10. As per Service Register, the date of superannuation of the petitioner is only 31.12.2021 and not 30.09.2019.** Hence, this Court directed the counsel appearing for the respondents to get instruction in regard to the payment of interest for the belated payment of the salary for the period from October 2019 to till the date of payment and on instruction, learned counsel appearing for the second respondent submitted that 9% interest may be ordered for the belated payment of the said salary from October 2019 till the date of payment.

11. In view of the above, this Court directs the respondents to pay the arrears of salary to the petitioner for a sum of Rs.7,70,685/- (period from October 2019 to December 2021) along with 9% interest from October 2019 to till the date of payment, within a period of eight weeks from the date of receipt of a copy of this order.



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12. In the result, this writ petition stands allowed. No costs.

Consequently, connected miscellaneous petition is also closed.

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Index : Yes/No

Speaking Order : Yes/No

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**J.SATHYA NARAYANA PRASAD,J.**

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