



W.P.No.7796 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7796 of 2023

M.Sivakamasundari

... Petitioner

Vs.

1.The Secretary,
Department of School Education,
Fort St.George,
Madras – 600 009.

2.The Commissioner,
Department of School Education,
DPT Complex, Nungambakkam,
College Road,
Madras.

3.The Chief Educational Officer,
Department of School of Education,
Tirupattur – 635 601
Tirupattur District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondents to take appropriate action on the petitioner's representation dated 16.11.2022 to carry out the necessary corrections in the school Admission register / record and all other concerned records at the



W.P.No.7796 of 2023

Govt. Elementary

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School at Elakkampatti, Dharmapuri District by replacing the mistaken date of birth i.e., 05.06.1981 with the petitioner's correct date of birth being 13.07.1982 so as to make the respondents for carrying out necessary relevant change / corrections in my service record / and all other relevant registers / official records by entering in to the correct date of birth i.e., 13.07.1982 thereby deleting the mistaken date of birth i.e., 05.06.1981.

For Petitioner : M/s.T.Raja Gajendran
For Respondents : Mr.M.Alagu Goutham
Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of

Writ of Mandamus directing the third respondent to take appropriate action on the petitioner's representation dated 16.11.2022 to carry out the necessary corrections in the school Admission register / record and all other concerned records at the Government Elementary School at Elakkampatti, Dharmapuri District, by replacing the mistaken date of birth i.e., 05.06.1981 with the petitioner's correct date of birth being 13.07.1982 so as to make the respondents for

2/6



W.P.No.7796 of 2023

carrying out necessary relevant change / corrections in the petitioner's service record / and all

other relevant registers / official records by entering in to the correct date of birth i.e., 13.07.1982 thereby deleting the mistaken date of birth i.e., 05.06.1981.

2.The case of the petitioner is that the petitioner was born on 13.07.1982, however, it has been wrongly registered as 05.06.1981 in the Municipality and other records. The petitioner came to know about the same only after entering into service as P.G.Assistant in T.M.S.Government Aided Higher Secondary School at Tirupattur. Thereafter, she made representation dated 16.11.2022 to the respondents seeking correction in her date of birth and since the same has not yet been considered has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 16.11.2022 and to pass appropriate orders, within a reasonable time frame and grant liberty to the petitioner to make representation before the employer



W.P.No.7796 of 2023

in the manner known to law.

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4.The learned Government Advocate appearing for the respondents submitted that the petitioner claim that her date of birth has been wrongly registered in the Municipality and other records as 05.06.1981 instead of 13.07.1982, however, she did not take any effective steps to alter her date of birth till she entered into service. He further submitted that the remedy available to the petitioner is not before Educational Authorities or her employer but before the competent civil Court and without approaching the competent civil Court and filing writ petition is not sustainable one.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.Though the petitioner claim that her date of birth has been wrongly registered in the Municipality and other records as 05.06.1981 instead of 13.07.1982, no record has been produced before this Court to substantiate her correct date of birth. Further, the petitioner did not take any effective steps to alter her date of birth till she entered into service and only after entering into service



W.P.No.7796 of 2023

she made representation dated 16.11.2022 to the respondents seeking correction in her date of birth, which is not sustainable one.

7.In view of the above, this writ petition is dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs.

15.03.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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W.P.No.7796 of 2023

M.DHANDAPANI,J.
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W.P.No.7796 of 2023

15.03.2023