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W.P.No.9283 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

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THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

Writ Petition No.9283 of 2023

K.Murugesan

... Petitioner

Versus

1. The Secretary to Government,
Human Resources Management Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner,
Department of Rural Development and Panchayats
Panagal Maligai,
Saidapet, Chennai – 600 015.
3. The Tamil Nadu Public Service Commission,
Rep by its Secretary,
Park Town, Chennai.
4. The Personal Assistant to Collector,
Block Development,
Krishnagiri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider the representation dated 28.02.2023 to alter the date of birth in the Service Register as per the Birth Certificate dated 09.02.1966 before the date of superannuation.



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For Petitioner : Mr.E.Udayasankari
For RR1, 2 & 4 : Mr.Karthik Jaganathan,
Government Advocate
For R3 : Mr.S.Gopinathan,
Panel Advocate

ORDER

The Writ Petition has been filed, in the nature of a Writ of Mandamus to direct the 2nd respondent to consider the representation dated 28.02.2023 to mutate the date of birth in the Service Register as per the Birth Certificate dated 09.02.1966 before the date of superannuation.

2. The case of the petitioner in brief:

The petitioner was initially appointed as Junior Assistant in the year 2009 and promoted as Assistant in the year 2012 and subsequently, in the year 2014, he was promoted as Public Welfare Officer and further promoted to Deputy Block Development Officer in the year 2016. Now he discharging his duty as Deputy Block Development Officer (Auditing) in Panchayat Union Office at Krishnagiri District. While he was getting Birth Certificate of his son, he came to know that



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the year of birth of the petitioner was wrongly registered by his father as 1963. But he was actually born in the year 1966. There has been big difference in his Government Service Register and he is going to superannuate on April 2023. Hence, the Writ Petition has been filed.

3. The learned counsel for the petitioner submitted that if the date of birth of the petitioner is not altered as per the birth certificate issued under Sections 12 & 17 of the Registration of Births and Deaths Act, he will be prejudiced. He would further submit that he was originally going to superannuate only in the year 2025, but due to error made in the date of birth as 1963 in the service register, he is going to superannuate earlier in the year 2023 itself. Hence he prays for considering his representation in that regard.

4. The learned Government Advocate appearing for the respondents 1, 2 & 4 submitted that the petitioner has joined the Government Service in the year 2009 and as per Rule 49 of the Tamil Nadu State and Subordinate Service Rules, within five years, he has to submit an application regarding alteration of the date of birth. He did not do so. He was simply working for nearly 13 years from the year 2009 to 2023, and now he seeks to alter his date of birth in his service register as



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per Birth Certificate which is not acceptable. Hence, he prays to dismiss the Writ Petition.

5. On going through the averments made in the Writ Petition and on perusal of the copy of the Birth Certificate, it is clear that the Birth Certificate of the petitioner was registered on 10.02.1966. The copy of the Birth Certificate was issued on 08.05.2018, but the Birth Certificate only talks about a male child born on 09.02.1966. His Education Certificate/Secondary School Leaving Certificate shows the date of birth of the petitioner is only in the year 1963.

6. As per Rule 49 of the Tamil Nadu State and Subordinate Service Rules, a person who has entered into the service, an application to alter the date of birth as entered in the official records, shall be entertained only if such an application is made within five years of such entry into service. Any application received after five years, after entry into service on any application, which is not supported by entries in Secondary School Leaving Certificate, School, College or University records, birth extract from records of local bodies or military discharge certificates, shall be summarily rejected. Hence this court is not inclined



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to interfere with the same.

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7. Accordingly, the Writ petition is dismissed. No order as to costs.

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Index : Yes/No

Internet : Yes/No

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V.BHAVANI SUBBAROYAN,J.



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