



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.8628 of 2020

Vasantha

... Petitioner

Vs.

1.The District Collector,
Namakkal District.

2. The Project Officer,
Child Development Scheme,
Collectorate,
Namakkal District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to consider the representation made by the petition dated 15.05.2020 for alteration of date of birth as 17.06.1965 and grant all other consequential service and monetary benefits and grant such other further relief as this Court may deem fit and proper in the circumstances of the case.

For Petitioner	: Mr.K.Sanjay for Mr.R.Dineshkumar
For Respondents	: Mr.D.Gopal, Government Advocate.



ORDER

This petition has been filed seeking a direction to the respondents to consider the representation made by the petitioner dated 15.05.2020 for alteration of date of Birth as 17.06.1965 and grant all other consequential service and monetary benefits and grant such other further relief.

2. The case of the petitioner is that the petitioner's date of birth has been wrongly mentioned as 17.06.1960 instead of 17.06.1965. At the time of admission in the school, the illiterate parents of the petitioner made a wrong entry in the school records. The competent authority issued a rectification certificate by changing his date of birth as 17.06.1965 vide proceedings dated 05.09.1965. The petitioner was appointed as a Noon Meal Worker under the second respondent in the year 1993 and made a request for alteration of his date of birth as 17.06.1965 in the year 1996 itself to the first respondent. Hence, the petitioner complied the conditions stipulated in rulings made in the fundamental rules and also Rule 49 of the Tamilnadu Subordinate Service Rules.

2.1. After receipt of the same, the first respondent kept the request



pending for several years and no action has been taken till date. The petitioner is going to be retired from services on 30.06.2020. Hence, the act of the respondents in delaying the verification of his altered date of birth is highly unsustainable under law. Hence, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 15.05.2020 and pass appropriate orders on merits, within a particular time frame to be fixed by this Court.

4. The learned Government Advocate appearing for the respondents submitted that he has no objection for the said order being passed by this Court.

5. Heard the learned counsel on either side and perused the materials



available on record.

WEB COPY

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 15.05.2020 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above observation and direction. No costs.

30.08.2023

kmm

Index : Yes/No

Speaking Order : Yes/No

To:

Page No.4 of 6



1. The District Collector,
Namakkal District.

2. The Project Officer,
Child Development Scheme,
Collectorate,
Namakkal District.

J.SATHYA NARAYANA PRASAD,J.



WEB COPY



kmm

W.P.No.8628 of 2020

30.08.2023