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W.P.No.20588 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12..07..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.20588 of 2023

and

W.M.P.Nos.19975 & 19976 of 2023

R.Raveendran

..... Petitioner

-Versus-

- 1.The Additional Chief Secretary/
The Commissioner for Revenue Administration,
Chepauk, Chennai 600 005.
- 2.The Director of School Education,
DPI Complex, College Road,
Chennai 600006.
- 3.The Joint Director of School Education,
DPI Complex, College Road,
Chennai 600006.
- 4.The Chief Education Officer,
CEO Office Campus,
Manjakuppam, Cuddalore 607001.
- 5.The Head Master,
Government Higher Secondary School,
Krishnapuram, Cuddalore District.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to
issue a Writ of Certiorarified Mandamus calling for the entire records relating



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to the impugned relieving order dated 31.05.2023 issued by the 5th respondent and to quash the same and to consequently direct the 1st respondent to dispose of the petitioner's appeal dated 03.10.2015 filed against the order dated 31.07.2015 passed by the 4th respondent by considering his representation dated 21.03.2023 given based on the order of this court dated 20.02.2023 made in W.P.No.1735 of 2016.

For Petitioner : *Mr.G.Govarthanan*

For Respondents : *Mr.M.Alagu Gowtham,*
Government Advocate
for RR1 to 5

ORDER

This writ petition challenges the relieving order dated 31.05.2023 issued by the 5th respondent and seeks a consequential direction to the 1st respondent directing him to consider the representation of the petitioner dated 21.03.2023 requesting to dispose of the petitioner's appeal dated 03.10.2015 filed against the order dated 31.07.2015 passed by the 4th respondent.

2. The petitioner joined as a Physical Education Teacher on 30.12.2004 in the Government High School, Periakattupalayam in Cuddalore District and within five years of her joining duty, on 03.07.2009, he made a request to the 4th respondent to alter his date of birth as 18.05.1963 instead of 13.07.1964. It was rejected by the 1st respondent by proceedings dated 09.03.2015 on the ground that he had not produced the birth certificate of her brothers and sisters.



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That order was however not communicated to him. Yet based on the same order of the 1st respondent, the 4th respondent by his proceedings dated 31.07.2015 rejected his request for correction of his date of birth. Thereafter, challenging the said order of the 1st respondent, the petitioner filed an appeal before the 2nd respondent on 03.10.2015. His representation referred to above was not considered by the 3rd respondent and the same was kept pending. Therefore, he had to approach this court by way of writ petition in W.P.No.1375 of 2015 and this court by order dated 20.02.2023 disposed of the writ petition and directed the 1st respondent to dispose of the appeal petition dated 03.10.2015 filed by the petitioner within a period of four weeks from the date of receipt of a copy of the order, if not already disposed of. The grievance of the petitioner is that despite such a direction from this court, his appeal petition has not been considered by the 1st respondent. In the mean time, he has been relieved by order of the 5th respondent on 31.05.2023. Hence, this writ petition for appropriate relief.

3. I have heard both sides and also perused the records carefully.

4. The facts that the petitioner joined the services of the respondent department as a Physical Education Teacher on 30.12.2004 and her services were regularized on 01.06.2006 by the 4th respondent are not in dispute.



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Similarly, the fact that the petitioner made an application for correction of her date of birth within the time is also not in dispute. The request of the petitioner was rejected on 09.03.20215 by the 1st respondent, however, it was not communicated to him. According to the petitioner, it was communicated to the 2nd respondent and on that basis, subsequently, the 4th respondent also passed an order on 31.07.2015 rejecting the claim of the petitioner for alteration of his date of birth. Challenging the order of the 4th respondent, the petitioner preferred an appeal to the 1st respondent on 03.10.2015. It is admittedly now pending with the 3rd respondent for consideration.

5. It is relevant to note here that on the date of filing the writ petition in W.P.No.1375 of 2016, the appeal petition dated 03.10.2015 was not pending before the 1st respondent and it was actually pending with the 3rd respondent. In such view of the matter, it cannot be stated that the relieving order issued to the petitioner by the 5th respondent is illegal. However, considering the pendency of the appeal petition before the 3rd respondent, this court directs the 3rd respondent to consider the appeal petition dated 03.10.2015 filed by the petitioner in accordance with law and pass appropriate orders within a period of two months from today. In the event the petitioner succeeds in the appeal, he is entitled to be reinstated in service immediately with all monetary benefits.



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In the result, this Writ Petition is disposed of accordingly with the above

directions. No costs. Consequently, connected WMPs are closed.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

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N.SATHISH KUMAR.J.,

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