



WEB COPY

W.P.No.34370 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34370 of 2023

K. Karthekeyan

... Petitioner

Vs.

1.The Director of School Education,
DPI Compound,
DPI, College Road,
Nungambakkam, Chennai.

2.Department of School Education,
Ariyalur, Ariyalur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent, to consider the petitioner's representation dated 28.05.2014, 03.11.2023 and further directing the respondent to alter the date of birth of the petitioner in his service records and other certificates as 02.09.1965 instead of 25.06.1964, as per the entries found in the corrected Birth Certificate and award all consequential benefits.

For Petitioner : Mr.M. Senthil Vadivu

For Respondents : Mrs.V. Yamuna Devi,
Special Government Pleader



W.P.No.34370 of 2023

ORDER

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With the consent of all the parties, these Writ Petitions are taken up for final disposal at the admission stage itself.

2. As per Section 59(2) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, any requisition for alteration of the date of birth in the service records requires to be made within a period of five years.

3. The petitioner herein who is now aged about 59 years, claims to have given representations dated 28.05.2014 and 03.11.2023, seeking for alteration of his date of birth from 25.06.1964 to 02.09.1965. The affidavit filed in support of this Writ Petition does not state, as to when the petitioner has joined the services initially. Even otherwise, the petitioner is now at the verge of retirement and therefore, when the application is claimed to have been made only on 28.05.2014 for the first time, apparently, this application would have been made after the expiry of five years, which is against Section 59(2) of the Tamil Nadu



W.P.No.34370 of 2023

Government Servants (Conditions of Service) Act, 2016. As such, directing the respondents to consider the petitioner's representation for alteration of his date of birth, would be baseless and hence, the prayer sought for in this Writ Petition does not require consideration.

4. Accordingly, the Writ Petition stands dismissed. No costs.

13.12.2023

Index: Yes
Speaking order
Internet: Yes

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To

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Nungambakkam, Chennai.

2. Department of School Education,
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W.P.No.34370 of 2023

M.S.RAMESH,J.

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