



W.P.(MD)No.7388 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7388 of 2020

and

W.M.P(MD)Nos.6836 and 6838 of 2020

S.Rajendran

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Commissioner of Revenue Administration,
Chepauk,
Chennai-5.
- 2.The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Secretariat,
Chennai.
- 3.The Director of School Education,
O/o.The Directorate of School Educational Department,
College Road,
Chennai.
- 4.The Chief Educational Officer,
O/o.The Chief Educational Office,
Pudukkottai, Pudukkottai District.



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5. The District Educational Officer,
O/o. The District Educational Office,
Aranthangi,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings letter No.Va.Ni.3(3)/11362/2020 dated 20.04.2020 and quash the same as illegal and consequently, to direct the respondent to extend the petitioner's service, taking into consideration of his date of birth as 30.06.1964.

For Petitioner	:	Mr.M.Mohamed Suhail for M/s.Ajmal Associates
For Respondents	:	Mr.T.Amjadkhan Government Advocate

ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent, dated 20.04.2020 and to quash the same and consequently direct the first respondent to extend the petitioner's service, taking into consideration of his date of birth as 30.06.1964.



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2. The case of the petitioner is that he was appointed as B.T.Assistant on 10.12.1999 at Government High School, Nagud, Aranthangi Taluk, Pudukottai District and he was promoted as P.G.Assistant in the year 2010. Subsequently, he was promoted as Head Master of High School, Mangalnadu East, Pudukottai District. While he was in service, he has made an application on 02.08.2004, for alteration of date of birth. However, no action was taken. Hence, the petitioner has filed a suit in O.S.No.61 of 2016 before the District Munsif Court, Aranthangi, seeking declaration of his date of birth as 30.06.1964 and the suit was decreed on 15.02.2017. Thereafter, the petitioner has made a representation on 04.10.2004, to alter the date of birth in terms of the decree passed by the District Munsif Court, Aranthangi and the same was rejected by the first respondent on 20.04.2020, on the ground that the application is not within a period of five years as mandated under Section 59(3) of the Tamil Nadu Government Servant (Conditions of Service) Act, 2016. Challenging the same, the present writ petition has been filed.



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3. The learned counsel appearing for the petitioner would submit that though the present impugned order was passed in the year 2020, now the petitioner has crossed the age of retirement and hence, this Court may issue a direction to the respondents to settle the terminal benefits to the petitioner within a time frame as fixed by this Court.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

5. Considering the limited request made by the learned counsel for the petitioner, this Court directs the respondents to settle the terminal benefits to the writ petitioner, within a period of six weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

05.01.2023

NCC : Yes/No
Index : Yes / No
Speaking Order : Yes / No

akv



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M.DHANDAPANI,J.

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