



W.P.(MD)No.11138 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.11138 of 2020

and

W.M.P.(MD)No.9746 of 2020

T.Renuka

: Petitioner

Vs.

1.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Kanyakumari District,
at Nagercoil.

: Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorarified Mandamus to call for the
records on the file of the 2nd respondent pertaining its order bearing



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Na.Ka.No.2796/A5/2020, dated 18.06.2020 and Quash the same and consequently direct the respondents to alter the date of birth as 22.11.1963 instead of existing date of birth as 05.12.1961 and permit the petitioner to continue the service till she attaining the age of superannuation.

For Petitioner	: Mr.S.C.Herold Singh
For Respondents	: Mr.J.Ashok
	Additional Government Pleader

ORDER

This writ petition has been filed to quash the 2nd respondent's order bearing Na.Ka.No.2796/A5/2020, dated 18.06.2020 and consequently direct the respondents to alter the date of birth as 22.11.1963 instead of existing date of birth as 05.12.1961 and permit the petitioner to continue the service till she attaining the age of superannuation.

2. The learned counsel for the petitioner submitted that the petitioner was appointed as a Graduate Teacher in Social Science in the Government Higher Secondary School, Kollamcode, Kanyakumari District



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in the year 2012 and her date of birth is entered in the service register as 15.12.1961 instead of her real date of birth 22.11.1963. On knowing about the same, the petitioner made an application on 26.10.2015 within a period of 5 years of the entry into Government service, however, the petitioner's request was pending and the same was not considered. Hence, the petitioner filed a writ petition before this Court in W.P.(MD) No.5860 of 2020 and the same was disposed on 23.03.2020 directing the respondents to pass an order within a period of 12 weeks. Pursuant to which, the present impugned order is passed. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner further submitted that though the petitioner made an application for alteration of the date of birth in the year 2015 within a period of five years from the date of entry into Government service. however, the said application was considered and based on the order passed by this Court, the present impugned order is passed stating that already the petitioner's application was rejected on 24.12.2019. Without challenging the said order filing the writ petition and considering the same is not sustainable one. However, the learned counsel



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for the petitioner would submit that the order of the Commissioner is not forwarded to the petitioner, before filing the writ petition. However, the said order was communicated to the petitioner along with the impugned order. Accordingly, he prayed for appropriate orders.

4. Heard the learned counsel on either side and perused the materials available on record.

5. The facts in the present case are not in dispute. Admittedly, the petitioner entered service as Secondary Grade Teacher in the year 2012 and within a period of 5 years, petitioner made application for alteration of the date of birth as 26.10.2015. Though the petitioner claimed her service till 2020, the said application was rejected. Subsequently, he filed a writ petition before this Court. Pursuant to the direction, the present impugned order is passed. However, a perusal of the impugned order reveals that already the petitioner's application was rejected on 24.12.2019 itself and without challenging the said order passed by the Commissioner of Revenue Administration, challenging the consequential order is not sustainable one



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and further, the petitioner herself has retired in the year 2019 and after a lapse of three years, no purpose will be served in considering the petitioner's grievance. Hence the prayer sought for by the petitioner cannot be granted.

6. Accordingly, this writ petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

03.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM

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M.DHANDAPANI, J.

RM

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