



W.P(MD)No.14899 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14899 of 2020

G.Sivakumar

... Petitioner

Vs.

1.The Registrar,
Alagappa University,
Karaikudi.

2.The Principal,
Alagappan University,
Karaikudi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 1st respondent in A7/4119/2020 dated 17.07.2020 and quash the same as illegal.

For Petitioner : Mr.A.Senthilkumar,
For Mr.S.Jayachandran.

For Respondents : Mr.T.Cibi Chakraborty,
Standing Counsel.



WEB COPY



W.P(MD)No.14899 of 2020

ORDER

Heard the learned counsel for the writ petitioner and the learned standing counsel for Alagappa university.

2.The petitioner joined the respondent university as Assistant Professor on 30.01.2016. He submitted an application on 29.06.2020 seeking alteration of date of birth in his service register. According to the petitioner, his actual date of birth is 01.07.1979. But it was erroneously entered as 21.06.1978 in his Secondary School Leaving Certificate. The petitioner's request was rejected solely on the ground that it was submitted after 4 ½ years from the date of appointment. The said order is put to challenge in this writ petition.

3.After hearing the learned counsel on either side, I am satisfied that the issue can be remitted to the file of the respondents for fresh consideration. My attention is drawn to Statue-20 of Chapter 7 of Service Conditions dealing Service Conditions of Establishments of the University Employees.



W.P(MD)No.14899 of 2020

4.It is beyond dispute that the said statutory provision will be applicable to the case on hand. An employee can seek alteration of date of birth within five years from the date of appointment. Section 59 (2) of the Tamil Nadu Government Servants (Conditions of Service) Act, is as follows:-

(2) After a person has entered service, an application to alter the date of his birth as entered in the official records shall be entertained only if such an application is made within five years of such entry into service. Such an application shall be made to the authority competent to make an appointment to the post held by the applicant at the time of his application and shall be disposed of in accordance with the procedure laid down in sub-section (1).

5.Thus, even as per the university statute, the said provision is applicable. The respondents were not justified in rejecting the petitioner's request. In this view of the matter, the order impugned in this writ petition is set aside. At the same time, I cannot straightaway give a direction to the respondents to alter the petitioner's date of birth in the service record. The petitioner will have to satisfy the concerned



W.P(MD)No.14899 of 2020

authorities that his actual date of birth is 01.07.1979 and not 21.06.1978.

The petitioner is therefore permitted to re-submit his original application.

The respondents university will forward the same to the jurisdictional Revenue Divisional Officer. It appears that the jurisdictional Revenue Divisional Officer is the Revenue Divisional Officer, Mannargudi. The said authority even though is not a party to the present writ petition is directed to act on the requisite that may be made by the respondent university. The respondent university will forward the petitioner's application within a period of four weeks after it is received. The concerned authority will conduct an enquiry in which the petitioner also will be associated. The report of the jurisdictional Revenue Divisional Officer will be sent to the respondent university within a period of eight weeks after the requisition is received from the employer. The respondent university shall consider the report of the jurisdictional Revenue Divisional Officer and all other relevant materials and thereafter, pass a speaking order on merits and in accordance with law on the petitioner's application for alteration of date of birth. The entire exercise shall be completed within a period of sixteen weeks from the date of receipt of a copy of this order.



W.P(MD)No.14899 of 2020

WEB COPY

6.The writ petition is allowed on these terms. No costs.

20.03.2023

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



WEB COPY



W.P(MD)No.14899 of 2020

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.14899 of 2020

20.03.2023