



W.P.(MD).No.21822 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21822 of 2023

and

W.M.P(MD) No.18199 of 2023

T.Padmarani

...Petitioner

Vs.

1. The Director,
School Education Department,
College Road,
Chennai – 600 006.

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

3. The Chief Educational Officer,
Kanyakumari District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the first respondent vide Na.Ka.No.025915/C5/E5/2021, dated 27.08.2021 and impugned communication issued by the third respondent vide Na.Ka.No.4927/E3/2021, dated 21.09.2021 and quash the same as illegal and consequently direct the



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respondents to correct the petitioner's date of birth as 06.05.1969 instead of 06.05.1965 in the necessary service documents of petitioner and extend her service as Special Teacher up to 06.05.2029.

For Petitioner : Mr.D.Saravanan
For Respondents : Mr.V.Omprakash
Government Advocate

ORDER

The present Writ Petition has been filed by a part time Sewing Teacher, working in Government Higher Secondary School, Thovazhai, Kanyakumari District. The petitioner has entered into service on 26.03.2012. At the time of entering into a service, she has mentioned the date of birth as 06.05.1965.

2. According to the learned counsel appearing for the writ petitioner, all the educational records reflected the date of birth as 06.05.1965. The correct date of birth is 06.05.1969 which is reflected in the Baptism Certificate of the writ petitioner. Hence, she made a representation to the authorities on 02.12.2016 within a period of five years from the date of entering into service, requesting the authorities to enter the correct date of birth as 06.05.1969. However, by way of impugned order, dated 27.08.2021, the



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authority has rejected the same on the ground that the petitioner is only a part time Sewing Teacher who was working on temporary basis. Therefore, neither the Government Servants (Condition of Service) Act, 2016 nor the Tamil Nadu Subordinate Service Rule were applicable to the writ petitioner and on the said ground, the request of the writ petitioner for alteration of the date of birth has been rejected. Challenging the same, the present Writ Petition has been filed.

3. According to the learned counsel appearing for the writ petitioner, though the application has been presented for alternation of date of birth within a period of five years, the authority has not properly appreciated the same and hence, he was not inclined to accept the said contention, in view of the fact that the petitioner is a part time temporary employee.

4. When the educational records indicate that the date of birth as 06.05.1965, no value or relevance could be placed upon the Baptism Certificate to alter the date of birth in the service records. This Court does not find any reason to interfere with the order impugned in the writ petition. However, it is open to the petitioner to approach the concerned authorities for



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alteration of date of birth in the educational Certificates. In case, if any such alteration is made in the educational certificate, the same would not be binding upon the employer.

5. With the above said observation, this Writ Petition stands dismissed.

There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

05.10.2023

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

To

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2. The District Educational Officer,
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3. The Chief Educational Officer,
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R.VIJAYAKUMAR,J.

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