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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.5771 of 2016

and

W.M.P(MD)Nos. 5182 & 5183 of 2016

N.Selvam

... Petitioner

–Vs. –

1. The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Compound,
College Road, Chennai-6.
2. The Regional Accounts Officer,
O/o. Regional Accounts Office (Audit),
School Education Department,
Madurai, Madurai District.
3. The District Educational Officer,
O/o. the District Educational Office,
Melur, Madurai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 1st respondent in his proceedings in



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A.Thi.Mu.No.015573/A4/E1/2016, dated 29.02.2016 and quash the same as illegal and consequently to direct the 1st respondent to alter the petitioner's date of birth in the service register as 27.03.1958 instead of 27.04.1961 within the period that may be stipulated by this Court.

For Petitioner : Mr.Nawazkhan, for
M/s.Ajmal Associates

For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

This writ petition is filed to quash the impugned order, dated 29.02.2016 with a consequential direction to the 1st respondent to alter the petitioner's date of birth in the service register as 27.03.1958 instead of 27.04.1961.

2. Heard Mr.Nawazkhan, for M/s.Ajmal Associates the Learned Counsel appearing for the petitioner and Mr.V.Om Prakash, the Learned Government Advocate appearing for the respondents and perused the material documents placed on record.



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3. The petitioner has joined duty on 12.06.2009 as Junior Assistant.

The contention of the petitioner is that, as soon as he had joined duty, he has submitted a representation in person for rectification of error that has crept in the school records and requested to pass suitable orders to effect changes in the Service register, so that the petitioner's original date of birth is incorporated in the Service register. But the petitioner was transferred from Thirunelveli to Madurai and joined the office on 24.06.2009. Thereafter the petitioner had approached the Assistant Elementary Educational Officer at Thirunelveli where it was informed that the petition is under process. But later on, the said officer directed the petitioner to approach the 2nd respondent i.e. the Regional Accounts Officer, since the service register was handed over to the 2nd respondent. Hence once again the petitioner submitted a petition dated 13.05.2014 to the 2nd respondent and the same was forwarded to the 1st respondent on 20.05.2014. If the changed date of birth is taken into account, the petitioner's superannuation would be 31.03.2019. However, based on the wrong entry in the date of birth, the petitioner had attained superannuation on 31.03.2016, thereby the petitioner has lost three more years of service. The 1st respondent after considering the same had rejected the claim of



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the petitioner through the impugned order. Hence, the petitioner is before this Court.

4. The respondents have filed counter stating that the petitioner seeking to change his date birth for which the petitioner has relied on the resolution passed by the Village Administrative Officer and Horoscope and these two are not legally valid document. Hence the respondents have declined the prayer of the petitioner since sufficient proof was not submitted. Moreover, as per records the petitioner had passed SSLC in the year 1972. For writing SSLC examination one should have completed 14 years. If the petitioner's claim is accepted to alter the date of birth, then the petitioner would have passed the SSLC, when the petitioner was 11 years old. Therefore, based on records and after verification of the school records, the petitioner's claim was rejected. Hence, the respondents prayed to dismiss the writ petition.

5. It is seen from the records that the petitioner has submitted a representation for rectification of date of birth on 13.05.2014. The petitioner has joined service on 12.06.2009. The petitioner ought to have submitted petition for



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resolution of the Village Panchayat and Horoscope cannot be a valid document to substantiate her claim. Hence, the petitioner's claim is liable to be rejected.

8. Accordingly, this Writ Petition stands dismissed. There shall be no order as to Costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
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S.SRIMATHY, J

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**Order made in
W.P.(MD)No.5771 of 2016**

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