IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.322 of 2018

S.Manimekalai … Petitioner

Vs

1.The Commissioner of Revenue Administration,
Chepauk, Chennai – 600 005.

2.The Joint Director of Stationery and Printing,
Chennai – 600 002. … Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to Dir.No.T4/18760/2015 dated 30.03.2017 and Dir.Proc.Order No.T4/5746/2017 dated 30.03.2017 of the second respondent and quash the same and to consequently direct the respondents herein to allow the petitioner to continue in service till 31.03.2020 i.e. the date of her attaining the actual age of superannuation and to grant her all consequential benefits and pass further orders.

For Petitioner : Mr.M.Rabi

For Respondents : Mr.M.Murali
Government Advocate

ORDER

This Writ Petition has been filed challenging the orders passed by the second respondent in Dir.No.T4/18760/2015 dated 30.03.2017 and Dir.Proc.Order No.T4/5746/2017 dated 30.03.2017 and for a consequential direction to the respondents herein to allow the petitioner to continue in service till 31.03.2020 i.e. the date of her attaining the actual age of superannuation and to grant her all consequential benefits.

2. The petitioner herein was appointed as an Office Assistant in the Office of the second respondent on compassionate grounds consequent upon the demise of her husband on 20.12.2010. At the time of entering into the service, the date of birth of the petitioner was entered as 11.03.1957 in the Service Register, based upon the educational certificates produced by her. While that being so, the petitioner made an application on 19.09.2015 stating that the date of birth entered in the Service Register is not correct and her actual date of birth was 20.03.1960. In support of her contention, the petitioner also

submitted her date of birth certificate issued by the Corporation of Chennai dated 31.08.2015. Thereafter, the claim of the petitioner was considered by the respondents and the respondents also directed the petitioner to produce the date of birth certificate and the educational records of the siblings of the petitioner, as there was no mention of the name of the petitioner in the date of birth certificate produced by her. In spite of the same, the petitioner instead of producing the date of birth certificates of her siblings by obtaining the same from the Corporation of Chennai, submitted a reply stating that the birth certificates and other educational records were destroyed in the floods occurred in the year 2015. Thus, the petitioner failed to produce the birth certificates of her siblings to enable the respondents to verify whether the birth certificate produced by the petitioner is genuine or not. Further, the respondents have also examined the case of the petitioner on various aspects including that as per the school records. The petitioner was admitted in the first standard on 21.06.1962 and at the time of admission to the first standard, the petitioner's age was 5 years and 3 months. But, as per the claim of the petitioner, her date of birth was 20.03.1960, then at the time of admission to the first Standard on 21.06.1962, the petitioner's age would be only 2 years and 3 months. Admission to the first Standard could not be allowed unless the individual had completed 5 years of age at the time of admission. Considering all these aspects, that the birth certificate produced by the petitioner cannot be co-related to the petitioner and that the petitioner failed to furnish any plausible explanation for wrongly entering her date of birth in the school records as 11.03.1957 and for change of original date of birth. Further, such a request was made just two years prior to the date of superannuation of the petitioner.

3. The petitioner already retired from service on 31.03.2017 and even if the claimed date of birth is allowed, the petitioner would have retired from service in the year 2020. However, in the light of the above, this Court is of the view that there is no error in the order passed by the respondents and accordingly, this Writ Petition is dismissed. However, there shall be no order as to costs.

05.04.2024

gba
Index : Yes/No
Speaking order : Yes/No
Neutral Citations : Yes/No

To

1.The Commissioner of Revenue Administration,
Chepauk, Chennai – 600 005.

2.The Joint Director of Stationery and Printing,
Chennai – 600 002.

<u>MUMMINENI SUDHEER KUMAR,J.</u>

gba

<u>W.P.No.322 of 2018</u>

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