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W.A.No.1459 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

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THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.A.No.1459 of 2021

and

CMP.No.9099 of 2021

A.Kalpanadevi

... Appellant

Vs.

1. Special Commissioner and Commissioner of
Commercial Taxes
Chepauk, Chennai-5.
2. Director of School Education,
College Road, Chennai.
3. District Education Officer
Pollachi.
4. The Principal,
Municipal Girls Higher Secondary School,
Kottur Road, Pollachi-642 001.
5. The Appellate Deputy Commissioner
Commercial Taxes, Pollachi.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 11.09.2020 made in W.P.No.12495 of 2013.



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For Appellant : Mr.M.Ilansezhiyan

For Respondents : No Appearance

J U D G M E N T

[Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**]

The appellant herein was appointed as Steno typist on 08.11.1982 in the office of the Appellate Assistant Commissioner, Commercial Taxes, Coimbatore. Admittedly, she retired from service on 30.04.2013. The appellant submitted an application seeking alteration of date of birth in her service records. However, the respondents have not considered the same. Thus, she filed the writ petition seeking alteration of date of birth by altering the same as 02.04.1959 instead of 11.04.1955. In support of the application, the appellant submitted a decree passed in O.S.No.297 of 1982. Based on the said decree, the appellant claimed that she must be deemed to be in service upto 02.04.2017 and monetary benefits is to be granted. The Writ Court considered the issues and dismissed the writ petition.

2. Alteration of date of birth cannot be done during the fag end of services. The petitioner was appointed in the year 1982. Though she says that an application was submitted within a period of five years as per Section 49(c) of the erstwhile General Rules, the said application was not pursued



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vigilantly during the relevant point of time. The writ petition was instituted in the year 2013 and she attained the age of superannuation on 30.04.2013 and retired from service. Now, the petitioner at this length of time cannot seek alteration of date of birth in her service records for the purpose of securing monetary benefits. The petitioner served upto her date of retirement on 30.04.2013 and received all her retiral benefits. That being the factum, we do not find any infirmity in respect of the order passed by the Writ Court and consequently, stands confirmed.

3. Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected CMP is also closed.

[S.M.S., J.] [C.K., J.]
10.06.2024

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Index : Yes

Speaking order : Yes

Neutral Citation : Yes/No



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S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

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