



W.P.No.25092 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2024

CORAM

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.25092 of 2019

and W.M.P.No.24666 of 2019

R.Shanthi

...Petitioner

Vs.

1.The Block Development Officer,
Periyakattupalayam Panchayat Union,
B.D.O. Office,
Cuddalore Taluk & District

2. The Head Master,
Adidravidar Welfare Primary School,
Periyakattupalayam
Cuddalore Taluk & District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, praying to direct the respondents to enter the Date of Birth of the petitioner as 25.05.1968 in the Service Book of the petitioner.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.M.Murali

Government Advocate



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ORDER

The petitioner herein was initially appointed as Cook in Sivanarpuram, Cuddalore District, on 01.09.1994 by an order dated 30.08.1994 by the Panchayat Union Commission. At the time of entering into service, the age of the petitioner was recorded as 30 years as on 29.08.1991 in the Service Register. The said entry continued for a long time and it is only in the year 2019, the petitioner made a claim by submitting the representation dated 17.07.2019 requesting for correction of date of birth by placing reliance on School records wherein the date of birth of the petitioner was recorded as 25.05.1968. While the above said representation was pending, the petitioner approached this Court by filing the present writ petition seeking writ of mandamus directing the respondents to enter the date of birth as 25.05.1968 in the service register of the petitioner. While the writ petition was pending, the petitioner retired from service on attaining the age of superannuation by considering the age as mentioned in the Service Register.

2. Though the writ petition was filed in the year 2019, no counter affidavit is filed as on date.



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3. Taking into consideration the fact that the petitioner had already retired from service basis on the age mentioned in the Service Register and the representation dated on 17.07.2019 is stated to have been pending and no orders have been passed, this Court is of the considered view that, the 1st respondent be directed to consider the representation submitted by the petitioner.

4. It is also necessary note that Sub Section 3 of Section 59 of Tamil Nadu Government Servants and Conditions of Service Act, 2016 provides for consideration of application submitted for the correction of Date of Birth after a period of 5 years since entering into the service provided the said application made basing upon school records mentioned in Sub Section 3 of Section 59 of Tamilnadu Government Servants and Conditions of Service Act, 2016 reads as under:

"Any application received after five years after entry into service or any application, which is not supported by entries in Secondary School Leaving Certificate, School, College or University records, birth extract



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from records of local bodies or military discharge certificates, shall be summarily rejected."

5.In the light of the above provision and also considering the fact that the representation dated 17.07.2019 is pending for consideration, the writ petition is disposed of directing the 1st respondent to consider the representation dated 17.07.2019 for change of date of Birth of the petitioner in the service register and pass appropriate orders in accordance with law. The 1st respondent is further directed to pass appropriate order as expeditiously as possible at any rate within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.07.2024

vsn

Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order



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To

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MUMMINENI SUDHEER KUMAR, J.

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