



W.P.No.25344 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25344 of 2023 and
WMP.No.24751 of 2023

K.Elumalai

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and
Charitable Endowment Department,
119, Uthamar Gandhi Road,
Nungambakkam, Chennai
- 2.The Joint Commissioner,
Hindu Religious and
Charitable Endowment Department,
Chennai Zone-II,
Mylapore, Chennai 600 004
- 3.The Executive Officer,
Arulmigu Rathinavinayagar and
Thurgaiaammam Thirukovil,
Whites Road,
Chennai 600 014
- 4.The Thakkar,
Arulmigu Mundagakanniamman Thirukovil,
Mylapore,
Chennai 600 004

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records and quash the impugned order dated 28.06.2023 passed by the



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fourth respondent through which the petitioner got illegally superannuated, 21 months prior to the actual date of his retirement and consequently direct the respondents to allow the petitioner to work for the remaining service period of 21 months from the date of reinstatement.

For Petitioner : M/s.Inthu Karunakaran

For Respondents : Mr.Arun Natarajan
Special Government Pleader
(HR&CE)

ORDER

This writ petition has been filed challenging the order passed by the fourth respondent dated 28.06.2023 thereby rejected the request made by the petitioner to change his date of birth as 05.04.1965.

2. The petitioner was appointed as Archakar at Arulmigu Rathinavinayagar and Dhurugaiamman Thirukovil situated at Whites Road, Chennai. He had succeeded to the said post of his father and uncle. The date of birth of the petitioner was entered in service records as 20.01.1963. However in his PF account, his date of birth was entered as 05.04.1965. While being so, the petitioner was relieved from service on 30.06.2023 as he attained age of superannuation. Thereafter, the



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petitioner submitted representation to correct the service records and the same was rejected after detailed enquiry.

3. The learned counsel for the petitioner submitted that the petitioner was issued birth certificate and accordingly, he was born on 05.04.1965. The other documents such as PF documents, Health Insurance Card, Aadhar card, Pan card and Voter ID also stand as the petitioner was born on 05.04.1965. She further submitted that the petitioner was called for by the third respondent and all of sudden, the service register was corrected as 01.07.1963 and the petitioner was relieved from service as if he retired from service. She further submitted that except the work of Archakar, the petitioner does not know any other work.

4. Heard, the learned counsel appearing on either side.

5. On perusal of the counter filed by the third respondent and on hearing the submissions of the learned Special Government Pleader



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(HR&CE) appearing for the respondents, revealed that the birth certificate of the petitioner was sent for verification to the issuing authority and it was certified that the birth certificate produced by the petitioner was not issued by the said Office and the birth of the petitioner was also not registered on 08.04.1965. Further on perusal of the original service records produced before this Court, revealed that originally the birth date of the petitioner was entered as 20.01.1963. The petitioner also submitted letter categorically stating that he was born on 20.01.1963, which was produced at the time of his joining as Archakar. In accordance with the letter submitted by the petitioner, his birth was entered as 20.01.1963. Thereafter, on the basis of the said letter, the petitioner was subjected for medical examination for ascertaining the age. After examination by doctor, the petitioner was certified that he was 27 years old on 11.08.1990. Subsequently, the date of birth was corrected as 01.07.1963. On the request made by the petitioner, the third respondent conducted detailed enquiry after giving opportunity of hearing to the petitioner and the request made by the petitioner to correct the date of birth was rejected.



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6. That apart, the petitioner made request to correct his date of birth after period of five years from the date of his joining into service. Therefore, this Court finds no infirmity or illegality in the impugned dated 28.06.2023 of the fourth respondent.

7. Accordingly, this writ petition is dismissed. It is made clear that in view of the interim order passed by this Court, the petitioner continued in service till today and as such, he is entitled for salary for the work done by him till today during his service. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

23.07.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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