



W.P.(MD)No.16966 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16966 of 2024

and

W.M.P.(MD)No.14624 of 2024

J.Gandhi

... Petitioner

Vs.

1.The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George,
Chennai.

2.The Director of Municipal Administration,
Directorate of Municipal Administration,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the original impugned order in Letter No.e.1787/Napa.1/2024-1 dated 28.05.2024 issued by the first respondent and quash the same and consequently direct the respondents to extend the service benefits to the petitioner as per altered date of birth (ie) 15.07.1967.

For Petitioner : Mr.R.Gowrishankar

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader



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ORDER

This writ petition has been filed challenging the Letter No.e.1787/Napa. 1/2024-1, dated 28.05.2024 issued by the first respondent and consequently to direct the respondents to extend the service benefits to the petitioner as per the altered date of birth (ie) 15.07.1967.

2.Heard Mr.R.Gowrishankar, learned counsel for the petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader for the respondents.

3.The petitioner is working as a Commissioner in Usilampatti Municipality. At the time joining in Government service, the petitioner had given his date of birth as 15.07.1964. Later, the petitioner came to know that his original date of birth is 15.07.1967. Hence, the petitioner obtained a birth certificate by recording the date of birth as 15.07.1967. Thereafter, the petitioner made a representation dated 25.11.2015 requesting to alter her date of birth in the service register. The same came to rejected vide memo dated 25.07.2023. Challenging the same, the petitioner preferred an appeal dated 06.03.2024 before the first respondent. The said appeal was also rejected. Challenging the same, the petitioner has filed this writ petition.



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4.The petitioner contended that the first respondent failed to note that the petitioner was promoted to the post of Commissioner and the service conditions of inferior posts previously held by the petitioner were governed by the Tamil Nadu Municipal Service Rules, 1970 and Rule 39 mandates that an application for alternation of date of birth should be made within five years from the date of entering into service or with adequate reasons for not making the application within such time.

5.The petitioner made his application seeking to alter her date of birth only in the year 2015, though she had entered into the government service in the year 1995, i.e., after 20 years of service. Further, in the impugned order, it is stated that the petitioner did not apply for alteration of date of birth within a period of five years from the date of joining and the petitioner has filed an application only at the verge of her retirement, which is due on 31.07.2024.

6.Initially, the representation made by the petitioner seeking alteration of date of birth was rejected vide order dated 25.07.2023 and in that order reasons have been specifically stated as to why the petitioner's application cannot be considered. The petitioner has not chosen to challenge the said order. Without challenging the order dated 25.07.2023, the petitioner could not challenge the order passed in her appeal on 28.05.2024. Without challenging the well



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reasoned order passed by the authorities concerned on the representation of the petitioner, the legal ground raised by the petitioner, that the order impugned in this writ petition dated 28.05.2024 is a non speaking order, and it is not sustainable.

7.For the reasons stated above, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

- 1.The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George,
Chennai.
- 2.The Director of Municipal Administration,
Directorate of Municipal Administration,
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R.N.MANJULA, J.

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