



W.P.(MD).No.24950 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.24950 of 2024

and

W.M.P(MD) Nos.21250 and 21251 of 2024

V.Kanagaraj

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Block Development Officer,
Rathapuram Panchayat Union Office,
Rathapuram, Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the impugned order passed in his proceeding in No.A1/382/2024, dated 02.07.2024 and quash the same as illegal and arbitrary and consequently direct the second respondent correct the date of birth to 01.06.1996 instead of 09.11.1964 in the service register based on the petitioner representations dated 02.12.2019, 09.07.2021 and 24.06.2024 within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.G.Thalaimuthurasu
For R1 : Mr.S.Shaji Bino
Special Government Pleader
For R2 : Mr.P.Thambi Durai
Government Advocate

ORDER

The instant Writ Petition has been filed by an Office Assistant, working in the Radhapuram Panchayat Union, challenging the order passed by the second respondent herein, wherein his request for alteration of date of birth has been rejected on the ground that the petitioner has submitted his request beyond a period of five years from the date of his appointment.

2. According to the learned counsel appearing for the writ petitioner, the petitioner was originally appointed as an Office Assistant in Valliyoor Panchayat Union on 29.01.2015. While he was working in the Valliyoor Panchayat Union, the petitioner has sent a representation dated 02.12.2019, requesting for alteration of date of birth. The said representation has been received by the office of Valliyoor Panchayat Union, on 03.12.2019.



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3. The order impugned in the writ petition has been passed by the Block Development Officer, Radhapuram Panchayat Union relying upon the representation given by the writ petitioner on 24.06.2024 before the grievance day and he has arrived at a finding that the request for alteration of date of birth has been given beyond a period of five years and therefore, the same is in violation of Rule 49(c) of Tamil Nadu Subordinate Rules. The said order is under challenge in the present writ petition.

4. From the records it could be seen that the petitioner has presented the application requesting for alteration of date of birth within a period of five years from the date of entering into service. However, the said representation dated 03.12.2019 has not been taken into consideration by the Block Development Officer, Radhapuram Panchayat Union and the present impugned order has been passed.

5. Considering the above said facts, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the second respondent herein to consider the request of the writ petitioner and pass



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orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above said observations, this Writ Petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

22.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Block Development Officer,
Rathapuram Panchayat Union Office,
Rathapuram, Tirunelveli.



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R.VIJAYAKUMAR,J.

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