



W.A No. 2291 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2025

CORAM

**THE HON'BLE MR. JUSTICE R.SURESH KUMAR**

**AND**

**THE HON'BLE MR. JUSTICE HEMANT CHANDANGOUDAR**

**W.A No. 2291 of 2024**

A. Palanisamy

..Appellant

Vs

1. The District Collector,  
Cuddalore.

2.The Managing Director,  
Neyveli Lignite Corporation India Ltd.,  
Block No.1, Neyveli-607801.

3.The Deputy General Manager/E.S.  
Neyveli Lignite Corporation India Ltd.,  
Navarathna HR Department, Employees Service,  
PRO Building, Block No.2,  
Neyveli-607801.

..Respondents

Writ Appeal is filed under Clause 15 of Letter Patent to set aside the order dated 29.09.2023 passed in W.P.No. 23811 of 2023.



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**For Appellant:** Mr. P.Sidharthan

**For Respondents :** Mr. P.Muthukumar, AAG - R1

Assisted by

Mr S.John J.Raja Singh, AGP

Mr.N.Nithianandam, - R2 & R3

### **JUDGMENT**

(Made by ***HEMANT CHANDANGOUDAR, J.***)

This intra-court appeal assails the order dated 29.09.2023 passed by the learned Single Judge in W.P. No. 23811 of 2023. By the said order, the learned Single Judge dismissed the writ petition filed challenging the order passed by the third respondent, rejecting the request made by the appellant/writ petitioner to alter his date of birth in the service register as 09.11.1971 instead of 09.11.1965.

2. The appellant/writ petitioner was appointed to the post of Assistant Industrial Worker vide proceedings dated 06.05.2021. While in service, the appellant/writ petitioner submitted a request to the respondent to alter his date of birth in the service register as 09.11.1971 instead of 09.11.1965. In support of his request, he produced an Age Certificate issued by the District Medical



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Board, Cuddalore District, certifying his date of birth as 09.11.1971. The said request was rejected, necessitating the appellant/writ petitioner to approach this Court by filing the aforesaid writ petition. The learned Single Judge, by the impugned order, dismissed the writ petition. Taking exception to the same, the present writ appeal has been filed.

3. Mr. P. Sidharthan, learned counsel for the appellant, submitted that the birth certificate was issued by the competent authority under the provisions of the Tamil Nadu Registration of Births and Deaths Act and the Rules, 2000 framed thereunder, which clearly establish the date of birth of the appellant/writ petitioner as 09.11.1971. Therefore, the respondent-State was under an obligation to alter the date of birth in the service register as provided under Rule 46 of the Fundamental Rules. Hence, the impugned order passed by the learned Single Judge, without considering this aspect in its proper perspective, is liable to be set aside.



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4. Mr. P. Muthukumar, learned Additional Advocate General appearing for the first respondent, submitted that the date of birth of the appellant/writ petitioner was entered in the service register based on the date of birth furnished in the School Leaving Certificate, Aadhaar Card, and PAN Card. If the date of birth of the appellant had not been registered within one year of its occurrence, it could be registered only by an order of the Executive Magistrate under Section 9(3) of the Tamil Nadu Registration of Births and Deaths Rules, 2000, or by an order of the Metropolitan Magistrate in terms of G.O. Ms. No. 293, Health and Family Welfare Department, dated 02.12.2016. However, the appellant, without obtaining a birth certificate in the prescribed manner, produced an Age Certificate issued by the District Medical Board, Cuddalore, which is not a competent authority to issue such a certificate. Therefore, the learned Single Judge, after considering the same, rightly passed the impugned order, which does not warrant any interference.

5. We have heard the submissions of the learned counsel for the appellant, the learned Additional Advocate General appearing for the first



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respondent, and the learned counsel for respondents 2 and 3, and have carefully considered the materials placed on record.

6. Admittedly, the date of birth of the appellant was entered in the service register based on the School Leaving Certificate, Aadhaar Card, and PAN Card furnished by him. Rule 6 of the Fundamental Rules provides for alteration of the date of birth of a government servant within five years from the date of entry into service, provided such a request is made within that period. In the present case, the appellant/writ petitioner sought alteration of his date of birth in the service register relying on an Age Certificate issued by the District Medical Board, Cuddalore District, certifying his date of birth as 09.11.1971. However, Section 9(3) of the Tamil Nadu Registration of Births and Deaths Rules, 2000 stipulates that if any birth has not been registered within one year of its occurrence, it shall be registered only by an order of the Executive Magistrate or the Metropolitan Magistrate, in terms of G.O. Ms. No. 293 dated 02.12.2016. The appellant/writ petitioner, instead of obtaining a birth certificate from the competent authority as required under the aforesaid Rules and Government Order, furnished an Age Certificate issued by the District Medical Board, which is not a competent authority. Therefore, the learned Single Judge, upon due



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consideration, rightly dismissed the writ petition but preserved liberty to the appellant to approach the competent authority for alteration of his date of birth.

7. In light of the above, we have no hesitation in holding that the impugned order passed by the learned Single Judge does not suffer from any illegality or infirmity and, therefore, does not warrant any interference.

8. Accordingly, the writ appeal stands dismissed. There shall be no order as to costs.

**(R.S.K. J.,) (H.C. J.,)**

**04.11.2025**

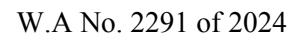
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Internet : Yes/No

Neutral Citation : Yes / No

*ak*

To



3.The Deputy General Manager/E.S.  
Neyveli Lignite Corporation India Ltd.,  
Navarathna HR Department, Employees Service,  
PRO Building, Block No.2,  
Neyveli-607801.



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