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W.A.No.887 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

W.A.No.887 of 2025

D.Vimala

... Appellant

Vs.

1. The Director,
Department of School Education,
Samagra Shiksha, Tamil Nadu,
P.A.K.Valagam, College Road,
Nungambakkam,
Chennai - 600 006.
2. The Joint Director (NSS),
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Secretary,
Board of Secondary Examinations (X Standard),
Samagra Shiksha, Tamil Nadu,
P.A.K.Valagam,
College Road,
Nungambakkam, Chennai - 600 006.
4. The Secretary,



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Board of Higher Secondary Examinations (XII Standard),
Samagra Shiksha, Tamil Nadu, P.A.K.Valagam,
College Road, Nungambakkam, Chennai - 600 006.

5. The District Educational Officer (Secondary) North,
Chennai - North Educational District,
Villivakkam, Chennai - 600 049.
6. The Head Mistress,
Government Girls School,
Villivakkam, Chennai - 600 049. ... Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 09.01.2025 in WP.No.35542 of 2024.

For Appellant : Ms.Pavithra Devi.V
for Mr.K.Murugan

For Respondents : Mr.J.C.Durairaj
Additional Government Pleader
for R1 to R6

JUDGMENT

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

The writ order dated 09.01.2025 passed in W.P.No.35542 of 2024 is under challenge in the present writ appeal.

2. The writ petition was instituted seeking direction to the



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respondents to correct the date of birth of the petitioner as 25.05.1968 instead of 04.04.1967 in the SSLC marksheet, 12th marksheet and in her Transfer Certificate based on the birth certificate issued by the Chennai Corporation at later point of time in the year 2007.

3. The date of birth of the appellant was recorded in her school records long before and the petitioner was working as Typist in District Judiciary. She filed Civil Suit in O.S.No.7033 of 2011 on the file of XVIII Assistant City Civil Judge, Chennai for declaration of date of birth as 25.05.1968 and the suit was partly decreed declaring the date of birth of the appellant as 25.05.1968 as per the birth certificate issued by the Corporation in the year 2007.

4. Employees after securing employment cannot seek alteration of date of birth at the fag end of their service. Even as per the Service Rules, application for alteration of date of birth is to be submitted within a period of five years from the date of appointment. Any application submitted thereafter is not entertainable by the employer and therefore, the date of birth mentioned in the school records became final as far as the service is concerned. The relationship between employer and employee is contractual in nature. Based



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on the school records, appointments are provided. An opportunity was provided to alter the date of birth within a period of 5 years. Therefore, any subsequent application is not maintainable under the relevant service rules and more-so, the date of birth is binding on the parties as per the service conditions. Thus, the learned single Judge is right in holding that the appellant is not entitled for the relief of alteration of date of birth.

Accordingly, the Writ Appeal stands **dismissed**. No costs.

[S.M.S,J.] [K.R.S,J.]

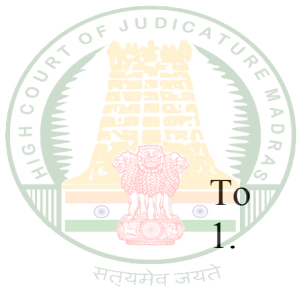
28.03.2025

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Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No



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