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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2025

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 11984 of 2024

And

W.M.P.Nos. 13082, 13077 and 13081 of 2024

Dr.K.Murugadoss

... Petitioner

..Vs..

1. The State of Tamil Nadu
Rep. By its Principal Secretary to Government
Higher Education Department,
Secretariat, Fort St. George
Chennai – 600 009.
 2. The Additional Chief Secretary / Commissioner of Revenue
Administration
Ezhilagam, Chepauk
Chennai – 600 005.
 3. The Director of Collegiate Education
Saidapet,
Chennai – 600 015.
 4. The Principal
Periyar Arts College,
Cuddalore – 607 001
- ... Respondents



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PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the second respondent in letter No.Va.No.3(3)/477631/2022 dated 28.02.2024 and the subsequent impugned order issued by the third respondent in Na.Ka.No.93780/D4/2020-1 dated 18.03.2024 and to quash the same and consequently directing the respondents to pass orders for correction of date of birth of the petitioner as 25.08.1965 in the Service Register and to allow the petitioner to continue in service till the date of retirement based on the original date of birth as 25.08.1965, with all consequential and other attendant benefits within a time frame to be fixed by this Hon'ble Court.

For Petitioner	:: Mr. G.Sankaran
For Respondents	:: Mr. C.Jayaprakash Government Advocate

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking records relating to proceedings issued by the second respondent in letter dated 28.02.2024 and the impugned order of the third



respondent dated 18.03.2024 and to quash both the same. The petitioner had given a representation that his date of birth may be corrected to 25.08.1965 from 21.05.1964.

2. The petitioner had been appointed as Assistant Professor in Commerce through Teachers Recruitment Board and joined service on 04.03.2011. His services had been regularised and probation had also been declared. Claiming that the date of birth had been wrongly registered in the school register at the time of admission, the petitioner had given a representation seeking correction of the date of birth on 05.06.2013. He had given the within the period of 5 years as stipulated under Rule 49 of the Tamil Nadu State and Subordinate Services Rules. This was exercised initially by the second respondent and later by the third respondent.

3. It is contended that two reasons were given namely that the name of the petitioner was found in the birth certificate and name could be given only on and from 1976. It was also contended that the petitioner had not reached the age of 5 years when he had joined the first standard. But however, the third respondent had passed an order on 18.03.2024 without



adhering to Sub Section 4 of Section 59 of the Tamil Nadu Government Servants (Conditions of Services) Act 2016 that Sub Section provides that there must be subjective satisfaction of the fact that whether the petitioner would have been eligible to be appointed to the post at the time of entry into service and whether correction of date of birth would have any effect on the service and on the service condition of other Officers in the service. As on date since the petitioner's age had been retained as 21.05.1964, the petitioner had retired from service. Therefore, the effect of any change on other absence is an issue which will have to be examined only by the third respondent. Let an order be passed in conformity with Sub Section 4 of Section 59 to the Tamil Nadu Government Servants (Conditions of Services) Act 2016. The matter is remitted back to the third respondent and the impugned order dated 28.02.2024 in Na.Ka.No. 93780/D4/2020-I is set aside for fresh consideration. Necessary orders by the third respondent may be passed within a period of six weeks from the date of receipt of a copy of this order.



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No order as to costs.

07.03.2025

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

1. Principal Secretary to Government
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Chennai – 600 009.
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C.V.KARTHIKEYAN, J.,

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