



W.P.No.35750 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.35750 of 2025

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Petitioner

Vs

1.The Secretary,
Personnel and Administrative Reforms,
Human Resource Development,
Secretariat,
Chennai - 600 009.

2.Director/Public Department,
Ex-Servicemen Welfare,
Secretariat,
Chennai - 600 009.

3.Director/Joint Director,
Directorate of Ex-Servicemen Welfare,
Raja Muthaiah Street,
Chennai - 600 003.

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Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records with regard to the order of the third respondent Joint Director, bearing Reference No. in Letter N.K.No.15589/2023, admn dated 08.01.2024 and



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quash the same, further directing the respondents 1 to 3 to consider the representation of the petitioner.

For Petitioner : Mr.C.Karunakaran,
for Mr.K.Sudalai Kannu.

For Respondents : Mr.S.Yashwanth,
Addl. Govt. Pleader.

ORDER

This Writ Petition has been filed challenging the impugned order passed by the third respondent, whereby the request of the petitioner seeking alteration of date of birth has been rejected.

2. It is the case of the petitioner that his father was martyred in the year 1971 in Indo-Pakistan war and he was brought up by Bombay Tamil Sangam, a social organisation in the petitioner's area, which has admitted 40 of such children, including the petitioner in the school. The then Headmaster of the school had entered his date of birth as 21.12.1966, as there was none in the family to inform his correct date of birth as 21.01.1971. During the year 1985, when the petitioner completed his 10th standard and received mark sheet, he came to know that his date of birth was wrongly entered. During the year 1993, his uncle had obtained a birth certificate and due to family dispute he did not give it to his family members. He was provided with



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a compassionate appointment as Junior Assistant in Social Welfare Board on 25.09.1998 under the Ex-servicemen quota. Only in the year 2023, he was able to get a true copy of his birth certificate obtained through court and thereafter he applied to the relevant authorities to alter the date of birth as 21.01.1971 instead of 21.12.1966. However, the respondents, by the impugned order, rejected his application. Hence, the present writ petition.

3. Learned counsel for the petitioner would submit that the petitioner's actual date of birth is 21.01.1971; his father was martyred in the year 1971 during Indo-Pakistan war; since he was brought up by a social organisation, his date of birth was wrongly entered in the school certificate; and only after coming to know of the same, he applied for alteration of date of birth in the year 2023, but the respondents, without taking into consideration the real facts, have rejected his application. Aggrieved by the same, the petitioner has approached this Court by way of this writ petition.

4. Per contra, learned Additional Government Pleader appearing for the respondents, would submit that Section 59 (3) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, provides for alteration of date of birth of Government servants and, as per the said provision, any application received after five years of entering into service or any application which is not supported by relevant material documents, shall be summarily rejected. He would further submit that as the petitioner has submitted the



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5. I have heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

6. The whole issue involved in this case revolves around Section 59 of the Tamil Nadu Government Servants (Conditions of Service), Act, 2016, which reads as under :

"59. Alteration of Date of Birth :

(1) If, at the time of appointment, a candidate claims that his date of birth is different from that entered in his S.S.L.C. or Matriculation Register or school records, he shall make an application to the Commission in cases where the appointment is made in consultation with the Commission and, in other cases, to the appointing authority stating the evidence on which he relies and explaining how the mistake occurred. The application shall be forwarded to the Commissioner of Revenue Administration for report after investigation by an officer not below the rank of a Deputy Collector and, on receipt of the report, the Commission or the appointing authority, as the case may be, shall decide whether the alteration of date of birth may be permitted or the application may be rejected:

Provided that in case of a candidate who was born outside the State of Tamil Nadu, the investigation through the Commissioner of Revenue Administration shall be dispensed with and the Commission or the appointing authority, as the case may be, shall examine and



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scrutinize the records that may be produced by the candidate and shall decide whether the alteration of date of birth may be permitted or the application may be rejected.

(2) After a person has entered service, an application to alter the date of his birth as entered in the official records shall be entertained only if such an application is made within five years of such entry into service. Such an application shall be made to the authority competent to make an appointment to the post held by the applicant at the time of his application and shall be disposed of in accordance with the procedure laid down in sub-section (1).

(3) Any application received after five years after entry into service or any application, which is not supported by entries in Secondary School Leaving Certificate, School, College or University records, birth extract from records of local bodies or military discharge certificates, shall be summarily rejected.

(4) In considering the question of permitting an alteration of the date of birth as entered in the official records even when such entry is proved to have been due to a bona fide mistake, the Government or the appointing authority shall take into consideration the circumstance whether the applicant would normally be eligible for appointment to the post at the time of entry into service had his age been correctly stated and what would have been its effect on his service and the service conditions of other officers in the service and may permit the alteration, subject to such condition as they or it may deem fit to impose:



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Provided that the Commission shall be consulted in the case of an applicant who has been initially recruited through the Commission, if it is proposed to accept his request for alteration of date of birth.

(5) The procedure laid down in sub-section (1) shall be followed in all cases where alteration of date of birth is proposed suo motu by the Head of Office on the basis of medical opinion, in the absence of any other authoritative records.

Explanation.—For the purpose of this sub-section, “authoritative records” are the Secondary School Leaving Certificate or University, college, or school records or Discharge Certificate of Army.

(6) The decision of the Commission, the appointing authority or the Government, as the case may be, shall be final."

7. It is true, the above Section 59 provides for alteration of date of birth. While Sub-section (1) contemplates for making application to the appropriate authority for alteration of date of birth, Sub-section (2) specifies that such application shall be entertained only if it is made within five years of entry into service. As per Sub-section (3), any application received after five years of entry into service or any application, which is not supported by entries in Secondary School Leaving Certificate, School, College or University records, birth extract from records of local bodies or military discharge certificates, shall be summarily rejected.

8. Keeping the above law in mind, if we look at the present case, it



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is an admitted fact that the petitioner applied to the authorities for correction of his date of birth after 25 years of his entry into service, which is well beyond the statutory period of five years. Section 59 of the Tamil Nadu Government Servants (Conditions of Service), Act, 2016, is categorical that any application seeking for alteration of date of birth shall be considered only if it is made within a period of five years of entry into service and that too, the application has to be supported by relevant material documents. Further, along with the application, the petitioner has enclosed only a copy of date of birth certificate, without any other supportive material documents. Under the said circumstances, the respondents, finding that the application has been made after five years of entry into service and that too without any supporting material, have rightly rejected the request of the petitioner. Therefore, I do not find any infirmity in the order passed by the respondents.

9. Writ Petition stands dismissed. No costs.

22.09.2025

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

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To:

- 1.The Secretary,
Personnel and Administrative Reforms,
Human Resource Development,
Secretariat,
Chennai - 600 009.
- 2.Director/Public Department,
Ex-Servicemen Welfare,
Secretariat,
Chennai - 600 009.
- 3.Director/Joint Director,
Directorate of Ex-Servicemen Welfare,
Raja Muthaiah Street,
Chennai - 600 003.

A.D.JAGADISH CHANDIRA, J.

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