



W.P.(MD)No.19125 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.08.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

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and

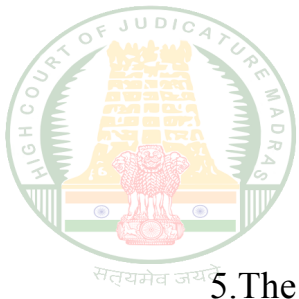
W.M.P.(MD)Nos.14688 and 14689 of 2025

M.Murugan

: Petitioner

Vs.

- 1.The Additional Chief Secretary
cum Commissioner of Revenue Administration,
Commissionerate of Revenue Administration
and Disaster Management,
Chepauk, Chennai-600 005.
- 2.The Director of Collegiate Education,
Directorate of Collegiate Education,
Institute of Advance Study in Education Campus,
577, Anna Salai, Saidapet, Chennai-15.
- 3.The Join Director of
Regional Collegiate Education,
Race Horse Road, Khajamalai,
Trichy-23.
- 4.The Principal,
Government Arts College,
Thuvakudimalai,
Tiruchirappalli-22.



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5. The Principal,
Thanthai Periyar Govt
Arts & Science College (Autonomous),
Kajamalai, Tiruchirappalli-23.

6. The Revenue Divisional Officer,
Kulithalai, Karur.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.TNDCE/830/2025-C3 dated 03.03.2025 and quash the same as illegal and arbitrary and consequently directing the second respondent to effect alteration of date of birth of the petitioner in the service register of the petitioner as 16.03.1968 instead of 30.05.1966 within a time frame fixed by this Court.

For Petitioner : Mr.D.Kirubakaran
for M/s.B.Saravanan Associates
For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

This writ petition is filed challenging the order passed by the second respondent dated 03.03.2025, whereby the date of birth of the petitioner was refused to be modified in the service records of the petitioner and for a consequential direction to the second respondent to effect alteration of the date of birth of the petitioner in the Service Register of the petitioner.



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2.The petitioner was appointed as an Assistant Professor in the department of Physics at the fourth respondent Government Arts and Science College on 26.12.2007 and on 02.12.2024, the petitioner was transferred to the fifth respondent College as Associate Professor. He has been working in the said post sofar. The petitioner claims that his original date of birth is 16.03.1968 and by mistake it is mentioned as 30.05.1966 in all his educational records and his service registration also carries his date of birth as 30.05.1996.

3.While so, the petitioner obtained the birth certificate from the competent authority, namely Sub Registrar, Kulithalai, in which his date of birth has been recorded as 16.03.1968 and the same was registered on 24.03.1968 in the birth Register. After receiving the birth certificate dated 07.10.2010, the petitioner made a representation, dated 12.10.2010 to the fourth respondent with a request to effect alteration of his date of birth in the petitioner's Service Register. The fourth respondent returned the application with an instruction to submit the said representation enclosing the Government Gazette publication of change of date of birth.



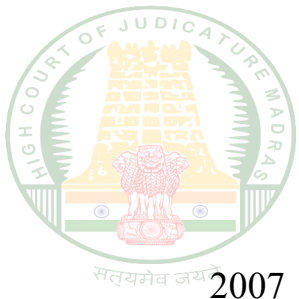
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4.In the meanwhile, the petitioner also filed a suit in O.S.No.228 of 2012 on the file of the First Additional District Munsif Court, Tiruchirappalli seeking declaration to declare the date of birth of the petitioner as 16.03.1968 and for mandatory injunction directing the Director of Higher Education and third respondent herein to correct the date of birth of the petitioner as 16.03.1968 instead of 30.05.1966 in all his educational records. The said suit was decreed on 20.12.2012 and as no appeal was preferred as against the said decree, the said judgment and the decree has become final.

5.Thereafter, the petitioner made several representations before the second respondent seeking to effect alteration of his date of birth in his service records. Since the same does not yield any response, the petitioner filed several writ petitions. After a long battle, the present order has come to be passed rejecting the request of the petitioner to alter his date of birth. Challenging the same, the present writ petition has been filed.

6.The learned counsel for the petitioner would submit that admittedly, the petitioner entered into Government service in the year



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2007 as Assistant Professor in the Department of Physics at the fourth respondent College. He filed an application seeking alteration of date of birth in the year 2010 within a period of five years from the date of entering into service as mandated under Section 59 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (hereinafter referred to as 'Act' for the sake of brevity) based on the birth certificate issued by the Sub Registrar, Kulithalai upon verification of the original Register of birth pertaining to the year 1968. Hence, it is the duty caste upon the second respondent to call for the entire records of the Sub Registrar's Office and upon satisfaction, he has to necessarily make correction of date of birth in terms of Section 59 of the Act. However, the second respondent has simply rejected the application of the petitioner that too even after a long battle before this Court by way of several writ petitions. Hence, he seeks to set aside the said order.

7.Per contra, the learned Government Advocate appearing for the official respondents submits that the petitioner was working as Assistant Professor in the department of Physics from the year 2007. His educational records also show his date of birth as 30.05.1966. He accepted such entry in the service records without any protest or dispute



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at the time of joining in service. Thereafter, only in the year 2011, he filed an application seeking correction of his date of birth based on the birth certificate obtained in the year 2010 by the Sub Registrar, Kulithalai, which mentions the date of birth of the petitioner as 16.03.1968.

8.The birth certificate submitted by the petitioner is issued after a period of 42 years from the date of his alleged date of birth and decades after school and college education. The petitioner was admitted to school on 09.02.1972. If his actual date of birth was 16.03.1968, the petitioner would have been only 4 years and 4 months old at the time of admission in the School, which is contrary to G.O.Ms.No.1296, Education Department, dated 07.07.1960, which mandates the age of 5 years for first standard. Further, the petitioner filed a civil suit in O.S.No.228 of 2012 before the I Additional District Munsif Court, Tiruchirappalli and obtained an *ex-parte* order declaring his date of birth as 16.03.1968. The Government Departments were set *ex-parte* and the matter was not contested by the Department. It is a settled legal principal that the civil Court decrees cannot override Service Rules, especially when the statutory bar under Service Rules is applicable.



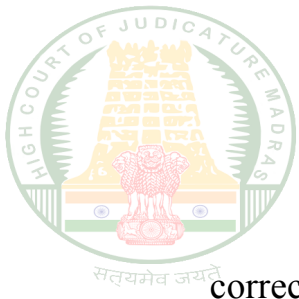
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9.He would further submit that initially, the claim made by the petitioner was not processed due to non-compliance of some procedural format and lack of credible supporting documents. However, the petitioner himself failed to rectify the deficiencies or resubmit the application.

10.Thereafter, the department has itself initiated an administrative enquiry. Thereby, the Revenue Commissioner submitted a report dated, 25.10.2023 confirming that the School admission records showing the date of the petitioner as 30.05.1966 were valid and the birth certificate was inconsistent with earlier records. The petitioner has also filed his objections on 07.01.2025. Based on the detailed enquiry and after verifying all the records including school records, the rejection order was passed by the authorities concerned on 03.03.2025.

11.The learned Government Advocate further submitted that the petitioner, who completed his schooling in the year 1983 and college thereafter, never made any attempt to correct his date of birth during his academic tenure, despite the same was recorded as 30.05.1966 in all high school and college records. The alleged discrepancy now sought to be



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corrected is based on a birth certificate obtained in the year 2010 and the said claim was not raised at any point during his admission to college, university examinations, issuance of transfer certificates or while applying for Government service examinations. If the petitioner truly believed that his date of birth was wrongly recorded, he should have initiated correction proceedings at the earliest stage namely, during his school or college tenures and not decades later that too after entering into Government service.

12.He has also submitted that the Hon'ble Supreme Court had time and again held that corrections of date of birth must be pursued diligently and at the earliest and it cannot be entertained merely for the purpose of gaining extended service. In the State of ***Madhya Pradesh vs. Premlal Shrivastava [(2011) 9 SCC 664]***, the Hon'ble Supreme Court held that “*A Government Servant, after having accepted a particular date of birth at the time of entering service and enjoying the benefits of that for decades, cannot seek to alter the date of birth at the fag end of service.*”

13.Therefore, the petitioner's failure to challenge his date of birth at the time of school admission or college enrolment and his subsequent



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silence until 2011, reflects the clear acquiescence and undermines the credibility and bona fideness of his claim.

14.It is his further submission that the petitioner has repeatedly approached this Court through multiple writ petitions including the present one challenging the each stage of the rejection process. Such conduct amounts to abuse of process of law, particularly when the issue has already been addressed and all avenues for redressal have been exhausted, the present writ petition is clearly barred under the principles of constructive *res judicata*. Accordingly, he prays to dismiss this writ petition.

15.Heard the learned counsel appearing on either side and perused the materials placed on record.

16.The facts in the present case are not in dispute. Admittedly, the petitioner was appointed as Assistant Professor in the year 2007 in the Department of Physics in the fifth respondent College. According to the petitioner, his date of birth is 30.05.1968. However, in the service records and in all educational records, his date of birth was wrongly



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mentioned as 30.05.1966. He has also produced the birth certificate issued by the Sub Registrar, Kulithalai in this regard. It is also equally undisputed that the petitioner made an application seeking alteration of his date of birth within a period of five years from the date of entering into Government services before the second respondent by producing the birth certificate issued by the Sub Registrar, Kulithalai.

17.This Court in order to verify whether the birth of the petitioner is registered in the birth Register maintained by the Sub Registrar concerned, called for the records of the year 1968, which according to the petitioner is his year of birth. The learned Government Advocate has also produced the original records before this Court.

18.Perusal of the same reveals that in the column of date, it is mentioned as '25', in the column of month, it is mentioned as '6' and in the column of date of birth, it is mentioned as 16.03.1968. Further, the column regarding date of registration of birth, it is recorded as 24.03.1968 and father name is noted as Murugan and mother name is noted as Maariyayee. Further, in the column regarding the particulars of



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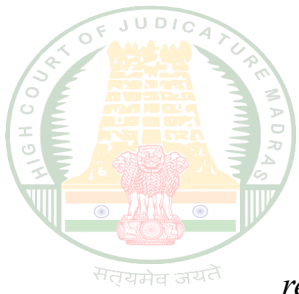
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the person, who has informed the birth of the petitioner, is mentioned as Muthusamy Gounder, who is stated to be the uncle of the petitioner. The thump impression of the said Muthusamy Gounder has also been affixed in the Register maintained by the Sub Registrar, Kulithalai.

19.After perusing the said Register, this Court is of the view that the birth of the petitioner was recorded in the birth Register maintained by the Sub Registrar concerned, as if he was born on 16.03.1968. Such being the position, there cannot be any impediment to the respondents to make alteration of date of birth of the petitioner in his service records.

20.It is also pertinent to note that the petitioner has made the application seeking alteration of date of birth within a period of five years from the date of entering into service as mandated under the provisions of Rule 49 of the Tamil Nadu State and Subordinate Services Rules. For better appreciation, Rule 49 of the Tamil Nadu State and Subordinate Services Rules, is extracted below:

“49. Alteration of date of birth --(a) 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 65 Matriculation Register or School



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records, he shall make an application to the Tamil Nadu Public Service 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 Tamil Nadu Public Service 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 Tamil Nadu Public Service Commission or the appointing authority, as the case may be, shall examine and 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. (b) 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-rule (a)."

21.The above Rule mandates that, if an application is received from the employee within a period of five years from the date of entering



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into service, the said 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 Tamil Nadu Public Service 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.

22. In the present case also, the petitioner has made the application seeking alteration of his date of birth within a period of five years from the date of entering into service. Hence, it is the duty cast upon the second respondent, being the employer of the petitioner, to forward the said application to the Commissioner of Revenue Administration or Secretary to the Registration Department to verify whether the date of birth is registered in the birth Register maintained by the Sub Registrar concerned and upon verification and enquiry, he has to necessarily make correction. However, in the present case, such procedure was not followed by the second respondent and the application of the petitioner was simply rejected without verifying the original records. Hence, the order passed by the second respondent rejecting the request of the petitioner is liable to be set aside. Accordingly, it is set aside.



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23.In light of the above observations, this writ petition is allowed holding that the petitioner is entitled for alteration of his date of birth as 16.03.1968. This is because, the original birth Register maintained by the Sub Registrar, Kulithalai mentions the date of birth of the petitioner as 16.03.1968. No costs. Consequently, connected miscellaneous petitions are closed.

28.08.2025

Index : Yes / No
NCC : Yes / No
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