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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

**REV.APLW No. 43 of 2026
and WMP.No.11280 of 2026**

1. The Director of School Education
17, College Road, Subba Road Avenue
Nungambakkam, Chennai-08.
2. The Chief Education Officer
500, Raja Street, Near Five Corner,
Town Hall, Coimbatore- 641 001.
3. The District Education Officer
Coonoor, Ooty- 643 001.
4. The District Education Officer
Town Hall, Coimbatore District.
5. The Revenue Divisional Officer
Coonoor- 643 101
Nilagiri District.

..Petitioners

Vs

1. M.Jayapandian
S/o.Maruthamuthu
D.No.32/107C, Basuvaiah Nagar,
Dasampalayam Road, Mettupalayam- 641 301.
2. The Secretary
Mahajana Higher Secondary School,
Metuppalayam- 641 301.

..Respondents



PRAYER : To review the order dated 19.08.2025 passed in W.P.No.31199 of 2025

For Petitioners: Mr.Alagu Gowtham
Government Advocate

For Respondent(s): Mr. A.Saravanan for R1
Mr.R.Bharath Kumar for R2

ORDER

This review application has been filed by the Government seeking to review the order dated 19.08.2025 passed in W.P.No.31199 of 2025, wherein this Court has passed the following order at Paragraph No.10 :

"10. Considering the above, the Writ Petition is allowed. The 1st respondent is directed to correct the petitioner's date of birth 29.07.1966 instead of 29.02.1966 so as to enable him to get his new service register and pay salary to the petitioner with all monetary benefits in pursuant to the proceedings of the 4th respondent in Na.Ka.No.556/AA /2011, dated 23.01.2012 and the proceedings of the 3rd respondent in Na.Ka. No. 5109/E4/2016, dated 30.03.2017 and further proceedings of the 2nd respondent in Na.Ka. No.1547/AA4 /2021, dated 29.09.2021. The said exercise shall be carried out by 28.08.2025. No costs."



2. This review application has been filed on the ground that the jurisdiction of civil Court is barred as there is a specific procedure contemplated under Section 59 of the Tamil Nadu Government Servants (Conditions of Service) Act, and therefore, any order passed by the civil Court is null and void. This is the only ground on which the review petition has been filed. In this regard, the perusal of the papers filed along with the writ petition would indicate that the writ petitioner had filed W.P.No.19242 of 1997, for a mandamus to the first respondent, namely, the Director of School Education, to correct the entry regarding the petitioner's date of birth as 29.07.1966 in his Secondary School Cumulative Record Book, SSLC mark sheet and Higher Secondary Course Certificate. However, the said writ petition came to be dismissed on 24.12.1997, holding that no rule has been shown that the respondents have the authority to alter the date of birth, after the writ petitioner ceased to be a student. The petitioner was directed to approach his employer for alteration of date of birth or proceed before the Administrative Tribunal for relief.

3. This order was challenged in W.A.No.1705 of 2000 by the writ petitioner, wherein the Court had directed the petitioner to go before the civil Court to get his date of birth declared and thereafter, have the same



altered in his service book and service certificate. It appears that after the disposal of the writ appeal, the petitioner had made an application to the respondent-school (2nd respondent herein), which forwarded the proposal to the District Educational Officer, who vide its proceedings dated 02.12.1999 had not corrected the date of birth of the petitioner in the service records and ultimately, the subsidiary benefits which the petitioner is entitled to, was declined. Challenging the same, the petitioner had filed W.P.No.6731 of 2000 before this Court and by order dated 05.06.2009, the learned Judge had disposed of the writ petition, granting liberty to the petitioner to approach the civil Court. In the said writ petition, a defence has been taken by the petitioners herein that this Court in W.A.No.1705 of 2000 had directed the writ petitioner to approach the civil Court and therefore, the writ petitioner had to go before the civil Court and the writ petition was not maintainable. Pursuant to the order of this Court, the petitioner had therefore filed O.S.No.333 of 2009 on the file of District Munsif Court, Mettupalayam, which was decreed after contest.

4. The petitioners herein, having themselves taken a stand in the earlier proceedings that it was the civil Court that was competent to alter the date of birth of the writ petitioner/first respondent herein, the present review does not merit consideration, as no error apparent on the face of the record nor any new



fact not known to the petitioners has been brought to the notice of this Court in this review application. Therefore, the review application is dismissed reiterating that the review petitioners cannot diametrically take a different stand in the review application, which is contrary to the one taken by them in the writ petition. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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P.T.ASHA, J.

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