



WEB COPY

WP No. 178 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-01-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 178 of 2026
and
WMP.Nos. 204 & 206 of 2026**

W.Helan Gita Kumari
D/o.L.William Durairaj,
C-31, 5th Block,
Forest Campus, R.S.Puram,
Coimbatore-02.

..Petitioner(s)

Vs

1. The Additional Chief Secretary to the
Government /
The Commissioner of Revenue Administration,
Department of Revenue Administration and
Disaster Management,
Chepauk, Chennai- 600 005.
2. The Director,
Department of Employment and Training,
Alandur Road, Guindy, Chennai- 600 032.
3. The Additional Director,
Department of Revenue Administration,
Chepauk, Chennai- 600 005.



- ..Respondent(s)

For Respondent(s): Mr.S.Balamurugan
Government Advocate



ORDER

This Writ Petition has been filed challenging the order dated 12.12.2025 issued by the 4th respondent, quash the same and direct the respondents 1 to 4 to alter petitioner's date of birth from 07.07.1965 to 24.04.1966 in the petitioner's service register.

2. With the consent of the learned counsel appearing on either side, this Writ Petition is taken up for disposal at the admission stage.

3. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as a Temporary Junior Assistant on 22.01.2010 at the Government Industrial Training Institute, Coimbatore, by order dated 11.01.2010 issued by the Joint Director of Craftsman Training, Department of Employment and Training. At the time of joining, the petitioner's correct date of birth is 24.04.1966, was incorrectly recorded in the service register as 07.07.1965. This clerical error, if left uncorrected, would result in the premature superannuation of the petitioner, effectively reducing the length of service by nearly one year. In order to rectify this error, the petitioner submitted the first formal request for correction on 12.03.2012, well within the five year limitation period prescribed under Rule 49 of the Tamil Nadu Sub-ordinate Service Rules. Thereafter, on 05.11.2014, the petitioner submitted all relevant documents to the 3rd respondent through the 4th respondent.



4. In response, the 3rd respondent sought additional documents on 04.05.2015, which was duly furnished on 02.06.2015. Subsequently, based on a request dated 14.06.2019 from the 3rd respondent, the petitioner submitted a second application on 25.06.2019. This second application was misinterpreted as the first and only application by the respondents. On 07.11.2024, the 1st respondent wrongly rejected the petitioner's request, claiming it was submitted beyond the five-year time limit overlooking the original application made on 12.03.2012. The 1st respondent affirmed this rejection through a final order dated 05.04.2025. Challenging the same, the petitioner filed a writ petition in W.P.No.26648 of 2025 and this Court, by its order dated 23.07.2025, quashed the said rejection order and remanded the matter back to the respondent to consider and pass afresh orders. Pursuant to the same, the present impugned order was passed and aggrieved by the same, the present writ petition is filed.

5. The learned counsel appearing for the petitioner fairly submitted that though the petitioner made a representation before the Tamil Nadu Public Service Commission, who is an incompetent authority, in turn, Tamil Nadu Public Service Commission, by its letter dated 17.05.2012 directed the petitioner to approach the competent authority, who is competent to make correction in the date of birth. It is stated that initially the date of birth in the service registered was entered on the basis of the 10th mark sheet which is incorrectly recorded as 07.07.1965 however, as per the birth register maintained



by the local body, the correct date of birth is 24.04.1966 and thereby, the petitioner made an application before the competent authority for issuance of birth certificate and though the competent authority issued a birth certificate on 03.09.2024 and the same was not properly considered and the rejection order passed is not acceptable one and the same is contrary to the order passed by this Court as stated above. Accordingly, he prayed for allowing the writ petition.

6. Heard, learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

7. The facts of the present case is not in dispute. Admittedly, the petitioner entered service as temporary Junior Assistant on 22.01.2010 and his service was regularized from 11.01.2010 by the Joint Director of Craftsman Training, Department of Employment and Training. It is equally undisputed fact at the time of entering service, on the basis of 10th mark sheet produced by the petitioner, the petitioner's date of birth was entered as 07.07.1965. It is relevant to mention that the birth certificate produced by the petitioner based on the declaration made by the petitioner's parents before the educational authority thereby, the educational authority issued 10th mark sheet, which is prior to participating competitive examination conducted by the Department of Employment and Training and thereafter, the petitioner made a representation on 12.03.2012 through the TNPSC and the same was rejected on 17.05.2012



with a direction to approach the competent authority. Though the petitioner claim that he made another application in the year 2014 however, no proof was filed before this Court and the application filed by the petitioner is only on 04.05.2015 and subsequently, on 25.06.2019.

8. Admittedly, the petitioner entered service on 11.01.2010, the five years starts from 11.01.2010 and the same is ended on 10.01.2015, within a period of five years the petitioner has to make an application before the competent authority, who is competent to make correction. However, prior to that, he made an application only before the incompetent authority, who is not competent to make a correction. This Court, inadvertently considered the order dated 17.05.2012 and arrived at a conclusion that the earlier application made on 12.03.2012 is before the competent authority, which is incorrect. However, the first application before the competent authority was filed only in the year 2015, which is after lapse of five years and this Court unable to understand, even 2015 application is genuine, when no proof of birth certificate is annexed earlier, he obtained certificate only on 03.09.2024 from the registering authority. Hence, this Court cannot direct the competent authority to consider the petitioner's representation and the representation filed is not within the five years as per Rule 49 of the Tamil Nadu Sub-ordinate Service Rules and hence, the petitioner's belated application cannot be entertained.



9. In result, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

KKN



To

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Department of Revenue Administration and Disaster Management,
Chepauk, Chennai- 600 005.
2. The Director,
Department of Employment and Training,
Alandur Road, Guindy, Chennai- 600 032.
3. The Additional Director,
Department of Revenue Administration,
Chepauk, Chennai- 600 005.
4. The Additional Director,
Department of Employment and Training,
Alandur Road, Guindy, Chennai- 600 032.
5. The Regional Joint Director for Training,
Office of the Zonal Joint Director of Training,
Behind the Government Industrial Training Institute for Women,
G.N.Mills Post, Coimbatore-29.
6. The Principal,
Government Industrial Training Institute,
24, Veerapandi Village, Thekkalur Pirivu,
Anaikatti, Coimbatore- 641 108.



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M.DHANDAPANI, J.

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