

W.A(MD)No.850 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.06.2026

CORAM

**THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR
AND
THE HONOURABLE MR. JUSTICE P.B. BALAJI**

**W.A(MD).No.850 of 2026 and
CMP(MD).No.7238 of 2026**

1.The Additional Chief Secretary,
Commissioner of Revenue Administration,
Chepauk, Chennai.

2.The Director of School Education,
Directorate of School Education,
DPI Complex, College Road,
Chennai – 600 006.

3.The Chief Educational Officer,
Trichy.

4.The Revenue Divisional Officer,
Lalkudi, Trichy District.

5.The Tahsildar,
Manachanallur,
Trichy District.

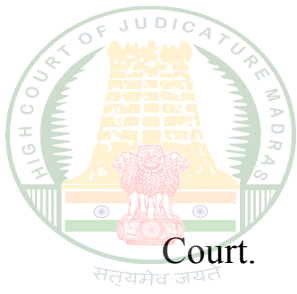
... Appellants / respondents

Vs.

Muthuselvan

... Respondent / Writ Petitioner

PRAYER:- Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 30.04.2026 made in WP(MD).No.8581 of 2026 on the file of this



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For Appellants : Mr. M.S. Parthiban
Counsel for State
For Respondent : Mr. V.Panneer Selvam

ORDER

P.B. BALAJI, J.

The present Writ Appeal challenges the order of the learned Single Judge in W.P(MD).No.8581 of 2026, dated 30.04.2026.

2. The appellants were respondents in the Writ Petition. The respondent filed the Writ Petition to quash the order of the second appellant, viz., the Director of School Education dated 27.02.2026, signed on 02-03-2026, and consequently to direct the appellants herein to correct the date of birth of the petitioner as 05-07-1967 instead of 17-04-1996.

3. Before the Writ Court, a counter affidavit was filed by the appellants and, after hearing the counsel on either side, the learned Single Judge allowed the Writ Petition, placing reliance on G.O.Ms.No.1906, Education Department, dated 22-08-1977.

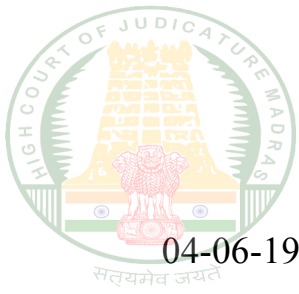


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4. Mr. M.S. Parthiban, learned counsel for the State, would contend that the Writ Court ought not to have allowed the Writ Petition when the Writ Petitioner had entered government service on 07-09-1992 based on a certificate reflecting his date of birth as 17-04-1966, without raising any objection at the time of his appointment. His further contention is that only on the verge of retirement has the request for alteration of date of birth been made, and it is not a matter of right that such requests can be entertained by the authorities. It is also the submission of Mr. M.S. Parthiban, learned counsel for the State, that merely because the Writ Petitioner had given representations within five years from the date of entry into service, it cannot entitle the Writ Petitioner to alteration of date of birth as a matter of course.

5. Mr. M.S. Parthiban, learned counsel for the State, would further state that the prolonged inaction on the part of the Writ Petitioner clearly amounted to acquiescence and acceptance of the recorded date of birth. The learned counsel would further state that the claim of the Writ Petitioner that his date of birth was 05-07-1967, if accepted, would not satisfy the minimum age criteria prescribed for admission into First Standard in terms of G.O.Ms. No. 1296, Education Department, dated 16-06-1960. In this context, he would invite our attention to the admitted position that the Writ Petitioner joined First Standard only on



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04-06-1971. Therefore, he prays for the Writ Appeal to be allowed.

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6. Per contra, learned counsel for the respondent/Writ Petitioner would state that Section 69 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, read with Rule 49 of the Tamil Nadu State and Subordinate Service Rules, permits alteration of date of birth, and when the Writ Petitioner had made the request for necessary alteration to incorporate the correct date of birth in 1996 and again in 1997, it was well within five years from the date of his entry into service, it is not open to the appellants to contend that the request is belated and, hence, cannot be entertained.

7. The learned counsel for the respondent would further contend that the reliance placed on G.O.Ms. No. 1906, dated 22-08-1977, by the counsel for the appellants is wholly misplaced, since any candidate is permitted and entitled to appear directly for the 10th Standard examination without being admitted formally into First Standard, and in such circumstances, the reliance placed on the above G.O.Ms. is of no consequence. He would therefore pray for the Writ Appeal to be dismissed.

8. We have carefully considered the submissions of the learned counsel on either side, and we have also gone through the order of the learned Single Judge.



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9. The admitted position is that the Writ Petitioner was appointed as PG Assistant (Chemistry) on 07-09-1992, and subsequently he was promoted as Assistant Project Officer on 25-05-2007, and on the date of filing of the Writ Petition, he was working as Headmaster of Government Higher Secondary School, Omandhur. It is not in dispute that the Writ Petitioner submitted a requisition to the Chief Educational Officer on 24-12-1996, which was forwarded to the second appellant on 18-02-1997. The specific case of the Writ Petitioner is that he applied for a birth certificate from the office of the Sub Registrar, Srirangam only on 30-10-1996, and immediately thereafter he made the request for change of date of birth. Since there was no action taken on the earlier representation, the petitioner gave yet another representation and only on 27-02-2026, the petitioner's request was negated by the second appellant. At that point of time, the petitioner was on the verge of superannuation, i.e., on 30-04-2026.

10. The primordial submissions of Mr. M.S. Parthiban, learned counsel for the State, is that the respondent, having pursued regular school education, could not have been eligible to be enrolled in 1st Standard, if his request for correction of the date of birth is accepted. We are unable to accept the said argument. G.O.Ms. No. 1906, Education Department, dated 22-08-1977, only requires that on the date of the SSLC or 10th Standard examination, the student concerned should have

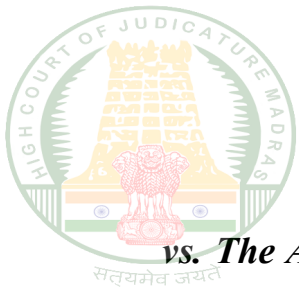


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completed 14 years of age. In the present case, the appellants also do not dispute the fact that if the date of birth is taken as claimed by the Writ Petitioner, he satisfies the age criteria for appearing in the 10th Standard / SSLC examination, which took place in March 1982. It is also not a case where the Writ Petitioner kept quiet and made the request for alteration of the date of birth only on the verge of attaining superannuation.

11. Admittedly, within five years from the date of his entry into service, by representations dated 24-12-1996 and 30-04-1997, the Writ Petitioner / respondent has sought alteration of his date of birth. The delay has occasioned only on the side of the appellants, who have negatived the request of the respondent only in February 2026. Rule 49 of the General Rules permits a request for alteration of date of birth, and it also stipulates a time period of five years from the date of entry into service. We also find that the appellants do not dispute the fact that the petitioner's birth certificate reflecting his date of birth as 05-07-1967 as being fabricated or false. In fact, the Commissioner of Revenue (Administration) has confirmed the date of birth of the Writ Petitioner as 05-07-1967.

12. In such a view of the matter, we do not see any error committed by the Writ Court in allowing the Writ Petition. In fact, one of us (Hon'ble Mr. Justice *N. Sathish Kumar*), in *W.P. No. 17374 of 2022*, in the matter of *T. Daisy Rose Light*



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vs. *The Additional Secretary and another*, by order dated **29-08-2023**, in similar

facts and circumstances, has held that when a presumption can be attached to the birth extract and the certificate is not even disputed, there can be no impediment in acceding to the request for alteration of the date of birth. In fact, in the said order, the Government Circular in Letter No. 14914/S2/2018-1, dated 18-07-2018, has also been referred to, which speaks only about the requirement of having completed the age of 14 years at the time of appearing for the SSLC examination or 10th Standard, after the year 1978, and that mere suspicions cannot be a ground to negate the request for alteration of date of birth. The said decision will also be squarely applicable to the present case as well.

13. For all the above reasons, we do not find any grounds to interfere with or set aside the well-considered order of the learned Single Judge made in W.P. (MD) No. 8581 of 2026, dated 30-04-2026, and accordingly, this Writ Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

(N.S.K.J.) & (P.B.B.J)

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