

**Central Administrative Tribunal  
Madras Bench**

**MA 310/00304/2018 & OA 310/00255/2018**

**Dated Thursday the 2<sup>nd</sup> day of August Two Thousand Eighteen**

**P R E S E N T**

**Hon'ble Shri. R.Ramanujam, Member(A)  
&  
Hon'ble Shri. P. Madhavan, Member (J)**

V. Ranganathan  
No. 11, Second Cross Street  
Aruthra Nagar  
Puducherry 605 009.

.. Applicant

By Advocate **M/s. R. Natarajan**

**Vs.**

The Director of School Education  
Directorate of School Education  
Perunthalaivar Kamarajar Education Complex  
Nellithope Post, Pondicherry – 605 005.

.. Respondent

By Advocate **Mr. R. Syed Mustafa**

## **ORAL ORDER**

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. MA 304/2018 filed for advancing the hearing date is allowed and the matter is taken up for final hearing today.

2. The applicant has filed this OA seeking the following reliefs:-

“i. To quash the impugned order dated 03.11.2017 passed in No. 15417/DSE/Estt-1/D2/2017 rejecting the claim of the applicant and direct the respondent to record entry in the Service Book of the applicant as to date of birth as 18.09.1959.

ii. To pass such further or other orders”

3. It is alleged that the applicant's date of birth had been entered erroneously as 17.08.1958 in his service register instead of the correct date of birth which according to the applicant is 18.09.1959. The applicant made a representation to the Principal, Kamban Government Higher Secondary School, Nettapakkam, Pondicherry where he was working at the relevant time on 21.08.1989. On receiving no reply, he submitted a reminder dated 11.04.1991. Thereafter, it was for the authorities to conduct necessary enquiry and make the correction. However, the authorities persisted with the wrong entry on account of which the applicant made a representation to the Director, School Education, Pondicherry dated 11.10.2017 seeking correction of date of birth. His representation was rejected by Annexure A7 order, aggrieved by which the applicant is before us.

4. Learned counsel for the applicant would submit that the applicant had entered service on 18.07.1988. As per rules, the applicant was entitled to seek correction of date of birth within 5 years of entry into service which he had done on 21.08.1989. Attention is drawn to the statement contained in Annexure A7 order to the effect that the follow-up action taken on the applicant's representations by the O/o the Principal where the service book of the individual was maintained at that time was not known. The Principal was the Head of the Office in respect of the Higher Secondary School and hence the service book of the staff were maintained in the school itself and the Directorate of the School Education had not come in the picture until the service book was transferred to it on his promotion to the post of OSD on 31.10.2014. It is submitted that the authorities having failed to carry out the requisite enquiry could not insist on retiring the applicant now on 31.08.2018. The impugned order does not reveal whether any inquiry was carried out at all and if so the outcome thereof. The applicant could not be penalised for his alleged failure to follow it up as it was not the applicant's fault that the authorities did not conduct the requisite inquiry despite his seeking correction of date of birth in time.

5. Learned counsel for the respondents would, however, oppose the prayer submitting that the applicant is due to retire on 31.08.2018 and he made a representation seeking correction of date of birth only on 11.10.2017 to the competent authority. The applicant never addressed any representation to the

competent authority before although he appears to have written a letter to the then Principal on 21.08.1989 stating that his date of birth was erroneously entered as 17.08.1958 in the service book whereas the said date had been entered on the basis of the educational certificates produced by the applicant at the relevant time and, therefore, it was not erroneous. The applicant had produced no evidence to show that there was an error in accepting the date of birth. Merely because a different date was claimed as per birth certificate, it could not be concluded that the applicant's date of birth was entered erroneously. It is possible that the applicant's matriculation record showed the same date of birth as found in the service register and the same had been accepted as authentic evidence of his correct date of birth.

6. Attention is also drawn to the reasons recorded in the impugned order that the applicant's contention that he was under the presumption /impression that his date of birth would have been corrected was not tenable. The applicant had been shown his service book in 1997 when he was working in Soucilabai Govt Girls Higher Secondary School, Puducherry and he is found to have put his signature in the service book as a token of having seen the service book. In the final seniority list of Lecturers (PGTs) issued on 08.09.1997, his date of birth was clearly shown as 17.08.1958 (Sl. No. 46, seniority No. 218). In the final seniority list of Vice-Principal issued vide GO. MS No. 76 dt. 03.08.2011 before which tentative seniority list was issued on 15.10.2010, again his Date of birth was mentioned as 17.08.1958 against serial no. 29 seniority no. 83.

7. Learned counsel for the applicant would produce a copy of his letter dated

11.05.1995 addressed to the Director of Education representing against alleged anomalies in the tentative seniority list of Post Graduate Teachers wherein the applicant had mentioned that his date of birth was wrongly mentioned as 17.08.1958 instead of 18.09.1959 and this could be rectified. It is, therefore, not correct to say that the applicant had accepted the date of birth as entered in the service register.

8. We have considered the matter. It is not in dispute that the applicant had submitted a letter to the Principal of the School on 21.08.1989 seeking correction of date of birth on the basis of original birth certificate. As he received no reply, he allegedly submitted a reminder on 11.04.1991 although the same has not been authenticated with the seal of the Government High School unlike his representation dated 21.08.1989 which had been so acknowledged. The applicant appears to have remained silent till 11.10.2017 although while representing against the tentative seniority list in 1995, he appears to have mentioned this fact also as if it was a typographical error in the seniority list that his date of birth was shown as 17.08.1958. We are unable to agree with the learned counsel for the applicant that merely because the authorities have mentioned in the impugned order that the follow-up action taken on the representation made to the Principal where the service book of the individual was maintained at the relevant time was not known, the applicant was justified in presuming that his date of birth had been corrected. On the other hand, it is clearly mentioned in the impugned order that his service book was shown to him in 1997 while he was working in Soucilabai Govt. Girls

Higher Secondary School, Puducherry and he had put his signature in the service book as a token of having seen the service book. There is no evidence of the applicant ever pursuing the matter with respect to his date of birth and, therefore, his request for change of date of birth towards the far end of his service when he is scheduled to superannuate on 31.08.2018 is hit by limitation as well as the principles of estoppel. The respondents are right in rejecting his representation in terms of the law laid down on the subject. We do not find any illegality or infirmity in Annexure A7 impugned order.

9. OA is misconceived and devoid of merits and is accordingly dismissed.

(P. Madhavan)  
Member (J)

02.08.2018

(R.Ramanujam)  
Member(A)

AS