

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.8.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.25779 of 2015

A. Kanimozhi
D/o M. Anbalagan,
No 12 A/2 Rajiv Gandhi Street,
Edayampatti Jolarpettai,
Vellore District.

PETITIONER

Vs.

- 1 The Director
Department of Government Examination,
Chennai-6.
- 2 The Inspector of Anglo Indian Schools,
Vellore Chief Education Office
Sathuvachari Vellore-9.
- 3 The Head Master
Railway Mixed High School (English Medium),
Jolarpettai - 635 851 Vellore District.

RESPONDENTS

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to alter the date of Birth dated 25.08.1990 instead of 25.06.1990 in petitioners 10th standard mark statement.

For Petitioner : Mr.R.Subburaj

For Respondents-1&2 : Mr.S.V.Duraisolaimalai, A.G.P.

ORDER

With the consent of both side, the writ petition itself has been taken up for disposal.

2 Petitioner is a student of the respondent No.3. She has completed X Standard examination in March, 2005. As there is discrepancy with respect to date of birth entry in the X Standard mark sheet, petitioner has made a request to the respondent No.3 to change the same.

3 As per the entry made in the birth certificate, the date of birth is 28.8.1990 whereas in the X Standard mark sheet, it is 25.6.1990. Thus, there is a difference of about two months. However, it was duly corrected in XII Standard mark sheet issued in March, 2007 and also in the transfer certificate issued on 28.5.2007. To rectify the said anomaly, the petitioner made representation on 17.6.2015. A reply was given stating that request cannot be considered at this point of time. It was also stated that procedure will have to be followed by sending the application through proper channel.

4 The facts are not in dispute. The law is quite clear that when there are disputed facts parties will have to approach the civil Court and get remedy by way of adjudication. The very same school corrected the entry in the XII Standard mark sheet issued subsequently in March, 2007. Similar correction was also made in transfer certificate issued on 28.5.2007. Thus, X Standard mark sheet ought to have been corrected. When a subsequent entry has been made making correction, then can it go without saying earlier entry cannot stand. There is no adjudication required as there is no dispute.

5 Thus, a direction is issued to the respondent No.3 to forward the recommendation to the respondent No.2 within a period of four weeks from the date of receipt of a copy of this order. On such receipt, the respondent No.2 shall send the recommendation to the respondent No.1 within a period of four weeks from the date of receipt of such recommendation. The respondent No.1 will have to pass appropriate orders correcting the date of birth of the petitioner in the X Standard mark sheet from 25.6.1990 to 28.8.1990 in consonance with XII Standard mark sheet and transfer certificate issued in March, 2007 and May, 2007 respectively within a period of four weeks from the date of receipt of such recommendation from the second respondent.

Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)
dt. 18.09.15

//True Copy//

Sub Assistant Registrar

vaan

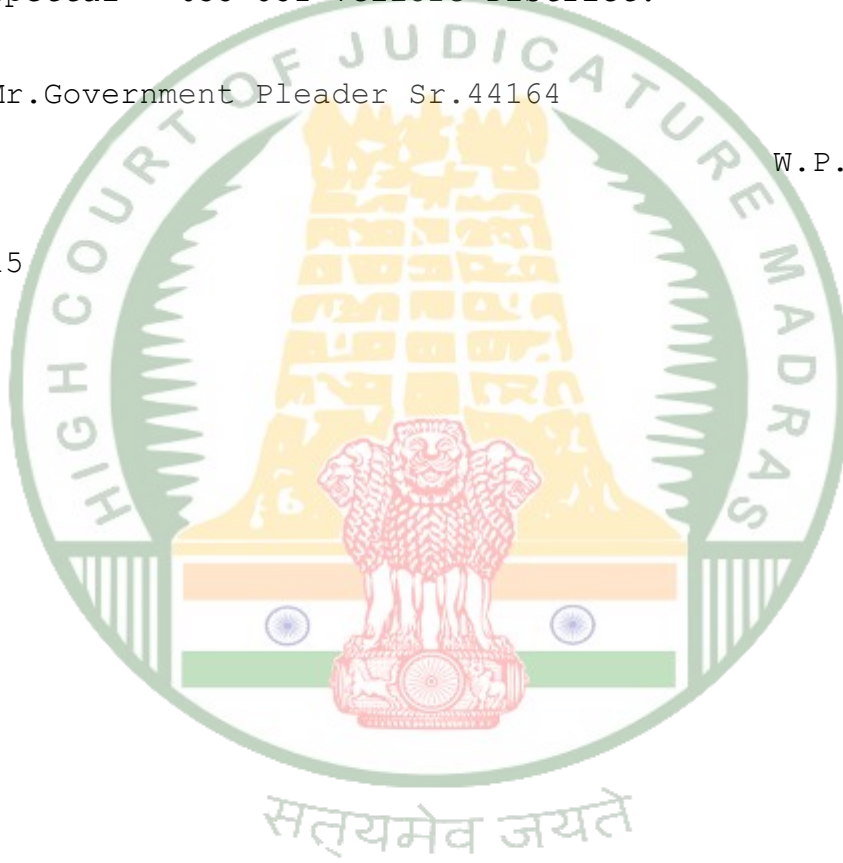
To

- 1 The Director
Department of Government Examination,
Chennai-6.
- 2 The Inspector of Anglo Indian Schools,
Vellore Chief Education Office
Sathuvachari Vellore-9.
- 3 The Head Master
Railway Mixed High School (English Medium),
Jolarpettai - 635 851 Vellore District.

1 cc to Mr.Government Pleader Sr.44164

W.P.No.25779 of 2015

LRS (CO)
EU 21.09.15



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