

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.9842 of 2015

Surekha Sreethar

...Petitioner

vs.

1. The Regional Officer,
Central Board of Secondary Education,
New No.3, Old No.1630A,
'J' Block, 16th Main Road,
Anna Nagar West,
Chennai - 600 040
2. The Principal
D.A.V.Girls Higher Secondary School,
No.25, Conran Smith Road, Gopalapuram,
Chennai - 600 086.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in proceedings bearing No.RO(M)/CORRN/REJECTION/ DOB/2012/5475 dated 27.01.2014 and to quash the same and to direct the 1st respondent to correct the date of birth of the petitioner in the Class X Mark Sheet bearing serial No.0068065 issued by the Corporation of Chennai.

For Petitioner : Mr.S.R.Raghunathan
for Mr.P.Ravichandran

For Respondents : Mr.G.Nagarajan for R.1
No Appearance for R.2

ORDER

The petitioner made a request to the 2nd respondent to change her date of birth in the Class X Mark sheet and transfer certificate and the same was forwarded to the 1st respondent by the 2nd

respondent. By the impugned order dated 27.1.2014, the request of petitioner was turned down by the 1st respondent on the ground that the entry of date of birth of petitioner having been made in the Board certificates as per the school records, the same cannot be changed as per the Rule 69.2 (i) of the Examination Bye laws of the Board. Challenging the same, the present writ petition is filed.

2. It is seen from the records that what the petitioner seeks is to change the month and not the date or the year. The proposed change is only for one month. Considering the same, with respect to the entry of date of birth of the petitioner in the Higher Secondary Course Certificate, this Court in the order dated 9.9.2014 made in W.P.No.14368 of 2014 was pleased to dispose of the writ petition, the relevant portion of which reads as under:

''... 3. This is a case where the difference between the age as entered in the School Records and the age as entered in the Hospital record is just one month. The petitioner was born on 20.05.1996. This is borne out by the Birth Certificate issued by the Chennai City Municipal Corporation. But her date of birth was entered as 20.04.1996. Therefore, this is a fit case where the respondents should consider the request of the petitioner.

4. Normally, a person seeking alteration of date of birth, should go only before the Civil Court, as it is a matter of evidence. But in cases of this nature, where the difference is so small and the petitioners have a birth certificate, the respondents should have some leverage. Therefore, the writ petition is disposed of directing the respondents to correct the date of birth of the petitioner as 20.05.1996 in the school Records and issue amended certificate within a period of eight weeks from the date of receipt of copy of this order. No costs.''

3. The above order having been passed against the Secretary, State Board of School Education (Higher Secondary), it would be applicable as against the Central Board of Secondary Education, who is the 1st respondent herein. There cannot be two date of births, one for the plus 2 and another one for the X Standard. It appears that the correction of date of birth of the petitioner in the Higher Secondary course Certificate has not been carried out despite the order of this Court dated 9.9.2014 to correct the entry with respect to the date of birth in the Higher Secondary School Certificate in view of the fact that the same has to be carried out in the Class X Mark Sheet of the petitioner. However, by the impugned order, it was rejected on the ground that as per Rules it is not possible.

4. From the above said facts, it is clear that the order dated 9.9.2014 in W.P.No.14368 of 2014 passed by this Court has become final. Therefore, by taking into consideration of the peculiar facts of the case, the 1st respondent ought to have followed the said order for changing the date of birth in the Class X Mark Sheet also. As rightly held by the Court, what the petitioner seeks is correction of date of birth only by one month.

5. For the foregoing reasons, the writ petition is allowed and the order impugned is set aside and consequently, the 1st respondent is directed to correct the date of birth of the petitioner in Class X Mark Sheet bearing Serial No.0068065 within a period of four weeks from the date of receipt of copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

usk

To

1. The Regional Officer,
Central Board of Secondary Education,
New No.3, Old No.1630A,
'J' Block, 16th Main Road,
Anna Nagar West,
Chennai - 600 040

2. The Principal
D.A.V.Girls Higher Secondary School,
No.25, Conran Smith Road, Gopalapuram,
Chennai - 600 086.

2 CCs to Mr.P.Ravichandran, Advocate SR.No. 46899

1 CC to Mr.G.Nagarajan, Advocate SR.No. 46991

W.P.No.9842 of 2015

CNR (CO)

PSI (09.09.2015)