



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2015

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 10777 of 2015

S. Murali

... Petitioner

Vs.

1. The Regional Joint Director,
Department of Government Examinations,
4 Hakkim Ajmal Khan Road,
Chinnachokkikulam, Madurai.

2. The Chief Educational Officer,
Chief Education Office,
Thallakulam, Madurai.

3. The District Education Officer,
District Education Office,
Thallakulam, Madurai.

4. The Madura College Higher Secondary School
RMS Road, Pandi Bazaar, Madurai
represented by its Headmaster

*** 5. The Director of School Education,
D.P.I, Complex, college Road, Chennai-6. ... Respondents
(Impleaded vide court order dated
11.08.2015 in MP(MD) No. 1 of 2015)**

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings passed by the 3rd respondent in his proceedings O.Mu.No.3294/Aa4/2015 dated 18.06.2015 and quash the same as illegal and consequently direct the respondents to alter the petitioner's date of birth as 12.12.1987 instead of 12.12.1989 in the Transfer Certificate and the Mark Statement.

For Petitioner : Mr. M. Jerin Mathew

For Respondents : *** Mr. N. S. Karthikeyan**

Addl. Government Pleader for R1 to R3

*** and 5**

O R D E R

The petitioner has filed the above Writ petition challenging the impugned proceedings passed by the 3rd respondent in his proceedings O.Mu.No.3294/Aa4/2015 dated 18.06.2015 and for a consequential direction to the respondents to alter the petitioner's date of birth as 12.12.1987 instead of 12.12.1989 in the Transfer Certificate and the Mark Statement.

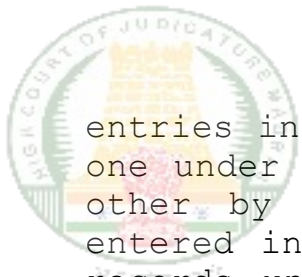


2. It is the case of the petitioner that he studied upto 10th standard. He completed his 10th standard in the fourth respondent School in the year 2005. It is his case that while leaving the school in the year 2005, he did not avail his Transfer Certificate and Mark Statement. When he approached the fourth respondent School and got his mark statement and Transfer Certificate, the date of birth found in the said Transfer certificate and Mark Statement is wrongly mentioned as 12.12.1989 instead of 12.12.1987. Hence, he approached the respondents 1 and 4 seeking alteration in the date of birth with all relevant documents. However, the first respondent in his proceedings in Na.Ka.No.007723/Eq/2014 dated 07.05.2015 informed the petitioner that the date of birth will be altered in the mark statement after the same is corrected in the Transfer Certificate. Hence, the petitioner represented before the respondents 2 and 3 seeking alteration of his date of birth in the Transfer Certificate. While so, the 2nd respondent by his proceedings dated 18.06.2015 rejected his request stating that there is no specific rule for correction. Hence, the petitioner is before this Court with the aforesaid prayer.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. The learned counsel for the petitioner would submit that if there is any difference in the entry between the school record and the birth certificate issued by the authorities, under the Tamil Nadu Registration of Births and Deaths Act, 1969, the birth extract has to be considered and hence, it is the bounden duty of the respondents to alter the date of birth in the school records and in the Mark Statement. He would further submit that in a similar case of this nature, this Court vide order dated 18.09.2012 in W.P.(MD) No.9340 of 2009 allowed the writ petition directing the authorities to alter the date of birth considering the petitioner's representation. In the said case, this Court had relied on a decision of this Court in W.P.No.9800 of 2009 dated 21.10.2009 in R.Deepak v. The Chairman, Tamil Nadu Uniform Service Recruitment Board, Chennai and two others. The present petitioner stands in the same footing as that of the writ petition stated supra.

5. As per the birth certificate issued by the Sub Registrar, Chinna Chokkikulam, Madurai, enclosed in the typed set of papers, the date of birth has been shown as 12.12.1987. When the statute provides for correction or cancellation of an entry in the register of births and deaths maintained by the Sub Registrar after coming into force of the Act, the said certificate can be ~~used~~ ^{used} in making necessary changes in public records, which includes the records maintained in the office of the Director of Government Examinations, Chennai. There cannot be different



entries in the public records maintained by different authorities, one under the Registration of Births and Deaths Act, 1969 and the other by the educational authorities. The date of birth as entered in the birth extract has to be entered in all the public records uniformly, unless and until any statutory rules restrict such entry, like in the case of a Government Servant, governed by the Tamil Nadu State and Subordinate Services Rules.

6. In view of the above, the Writ Petition is allowed and impugned order is quashed. The respondents are directed to consider the birth certificate of the petitioner and other evidence produced by him and while considering his case and make necessary changes, in the date of birth as 12.12.1987 instead of 12.12.1989 in the Transfer Certificate as well as in the Mark Statement. The petitioner is directed to make a representation to the respondents along with a copy of this order and that he shall produce the original certificates for making necessary corrections. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

***(Impleaded vide court order dated
11.08.2015 in MP(MD)No.1 of 2015)
/True Copy/**

Sub-Assistant Registrar

To

**(To be substituted for the order already despatched on dated
05.08.2015)**

- 1.The Regional Joint Director,
Department of Government Examinations,
4 Hakkim Ajmal Khan Road,
Chinnachokkikulam, Madurai.
- 2.The Chief Educational Officer,
Chief Education Office,
Thallakulam, Madurai.
- 3.The District Education Officer,
District Education Office,
Thallakulam, Madurai.
- * 4. The Director of School Education,
D.R.I, Complex, College Road, Chennai-6.**

+One cc to M/s.M.Jerin Mathew, Advocate, SR.No.45856

RR

RL/5c - 27/7/2015

W.P. (MD)No.10777 of 2015
08.07.2015

NS/AN-MP/21.09.2015 : 3P/6C