



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2015

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBBIAH

Writ Petition (MD) No.14021 of 2015

WEB COPY

M.Sudalairajan

... Petitioner

Vs.

1.The Director of School Education,
O/o. The Director of School Education,
DPI Campus, 68, College road,
Nungambakkam, Chennai - 6.

2.The Secretary,
Board of Higher Secondary Education,
Department of Government Examinations,
DPI Campus, College Road,
Nungambakkam, Chennai - 6.

3.The Secretary,
Board of Secondary Education
Department of Government Examinations,
DPI Campus, College Road,
Nungambakkam, Chennai - 6.

4.The Director of Industrial Schools,
Department of Employment and Training,
Thiru.vi.ka.Industrial Estate,
Guindy, Chennai - 600 032.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus for direction directing the respondents to alter the date of birth of the Petitioner in the Secondary School Leaving Certificate, Higher Secondary Course Certificate Industrial Training Certificate as 22.12.1994 instead of 27.04.1994 in accordance with the Birth Certificate of the Petitioner within the time period stipulated by this court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.K.Mahesh Raja
Government Advocate

ORDER

This Writ petition has been filed praying to issue a Writ of Mandamus directing the respondents to alter the date of birth of the Petitioner in the Secondary School Leaving Certificate, Higher Secondary Course Certificate and Industrial Training Certificate as 22.12.1994 instead of 27.04.1994 in accordance with the Birth Certificate of the Petitioner.

2. Mr. K. Mahesh Raja, learned Government Advocate takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal at the stage of admission.



3. The case of the petitioner is that the petitioner has completed X standard in the year 2009 in A.V.Higher Secondary School, Madurai and he was issued Secondary School Leaving Certificate on 23.05.2009 in TMR Code No-A178879. He completed XII standard in the year 2011 in the said school and was issued Higher Secondary Course Certificate on 09.05.2011 in TMR Code No-G224867. He has also completed his Industrial Training in Mechanic Refrigeration and Air Conditioning and Central Plant at CSI Industial School, Pasumalai, Madurai in the year 2012 and he was issued with Industrial School Certificate in Sl No.0174893.

4. The petitioner was born on 22.12.1994. But during his school admission, his parents inadvertently entered his date of birth as 27.04.1994. Hence the date of birth of the petitioner has been entered in Secondary School Leaving Certificate, Higher Secondary Course Certificate and Industrial School Certificate as 27.04.1994. But in the birth certificate issued by the Births and Deaths Registrar, Madurai Corporation, date of birth of the petitioner was correctly entered as 22.12.1994. Hence, the petitioner has sent a detailed representation to the respondents on 20.01.2015 to alter the date of birth of the petitioner in Secondary School Leaving Certificate, Higher Secondary Course Certificate and Industrial School Certificate as 22.12.1994 instead of 27.04.1994. But the first respondent has sent a reply dated 29.01.2015 stating that the date of birth of the petitioner cannot be altered. Hence, he has come forward with the present writ petition.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

6. During the course of argument, the learned counsel appearing for the petitioner has relied upon the Judgment of a learned Single Judge of this Court in **WP(MD)No.9340 of 2009 dated 18.09.2012 [S.Rajesh kumar Vs. The Secretary, Board of Higher Secondary Education, Department of Government Examinations, Madras - 6 and 3 others]** wherein, the learned Single Judge has held as follows:

For the foregoing reasons, the writ petition is allowed. There shall be a direction to the respondents to consider the birth extract and other evidence produced by the petitioner while considering his representation, dated 03.09.2009 and make necessary changes, in the date of birth as 19.01.1975 in the Secondary School Leaving Certificate and the Higher Secondary Course and other certificates. The petitioner is at liberty 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.

7. When the correct date of birth of the petitioner is 22.12.1994 as per the birth certificate issued by the Births & Deaths Registrar, Madurai Corporation, the respondents can be directed to consider the representation of the petitioner with regard to alteration of the date of birth of the petitioner in the certificates viz., Secondary School Leaving Certificate, Higher Secondary Course Certificate and Industrial School Certificate.



8. The petitioner is directed to submit fresh representation to the third respondent, the Secretary, Board of Secondary Education, Department of Government Examinations, Nungambakkam, Chennai along with birth extract and necessary documents within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the third respondent is directed to conduct a detailed enquiry and pass appropriate orders with regard to alteration of date birth of the petitioner within a period of six weeks in accordance with law on merits. Thereafter, in case, alteration is carried out in the Secondary School Leaving Certificate, the petitioner can approach the second and fourth respondents to carry out alteration of date of birth of the petitioner in the Higher Secondary Course Certificate and Industrial School Certificate respectively.

9. With the above direction, this Writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Director of School Education,
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DPI Campus, 68, College road,
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4. The Director of Industrial Schools,
Department of Employment and Training,
Thiru.vi.ka.Industrial Estate,
Guindy, Chennai - 600 032.

+1cc to Mr.T.Lajapathi Roy, Advocate SR.No.44687

+1cc to Special Govt.Pleader SR.No.44567

Writ Petition (MD)No.14021 of 2015

06.08.2015

mj

PA/17.08.2015/3P/7C