



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.09.2015

CORAM

THE HONOURABLE **MR.JUSTICE R.SUBBIAH**

W.P(MD) .No.16525 of 2015

S.Harish

...Petitioner

Vs.

1.The Director of School Education,
DPI Complex, College Road,
Chennai-6.

2.The Director of Elementary Education,
DPI Complex, College Road,
Chennai-6.

3.The Passport Officer,
Passport Office,
Trichirappalli.

... Respondents

This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus, directing the Respondents 1 and 2 to correct the petitioner's date of birth in the Secondary School Leaving Certificate and Higher Secondary Certificate as 05.09.1991 instead of 05.07.1991 as per the Birth Certificate issued by Trichirappalli Municipality, dated 21.11.1991 so as to enable the petitioner to get his passport to go abroad for his future development.

For petitioner	: Mr.R.Singaravelan for Mr.D.Selvanayagam
For R1 & R2	: Mr.N.S.Karthikeyan, AGP
For R3	: Mr.R.Murugappan, Senior Panel Counsel for Central Government

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus, directing the Respondents 1 and 2 to correct the petitioner's date of birth in the Secondary School Leaving Certificate and Higher Secondary Certificate as 05.09.1991 instead of 05.07.1991 as per the Birth Certificate issued by Trichirappalli Municipality, dated 21.11.1991 so as to enable the petitioner to get his passport to go abroad for his future development.

2. Mr.N.S.Karthikeyan, learned AGP takes notice for the respondents 1 and 2 and Mr.R.Muniyappan, learned standing counsel takes notice for the third respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3. By consent, this Writ Petition itself is taken up final disposal.



4. In the affidavit filed in support of the Writ Petition, it has been averred that as per the Municipal Record, the petitioner's Date of Birth is 05.09.1991. But in the Secondary School Leaving Certificate, dated 05.06.2006 bearing Register No.424265, the petitioner's date of birth is wrongly mentioned as 05.07.1991. This has happened, due to oversight and negligence. The petitioner has not noticed this defect at the earlier point of time. Hence, in the Passport also, the petitioner's date of birth was rightly mentioned as 05.09.1991 as per the Municipal Record. After, knowing the same, he approached the Passport Officer, Trichirappalli and he advised the petitioner to correct the Secondary School Leaving Certificate. Therefore, the petitioner made a representation, dated 18.05.2015 to the first respondent to change of his date of birth on 05.09.1991 instead of 05.07.1991 in the Secondary School Leaving Certificate and +2 certificate, but the same was not considered by the respondents. Hence, the petitioner has come forward with this Writ petition for the above stated relief.

5. Considering the facts and circumstances of the case, without going into the merits of the case, this Court directs the petitioner to give fresh representation to the respondents 1 and 2 along with copy of this order within a period of one week from the date of receipt of a copy of this order. On receiving the same, both the respondents are directed to consider the same, in the light of the birth certificate issued by the Trichirappalli Municipality and pass appropriate orders, on merits and in accordance with law, within a period of three weeks, thereafter.

6. With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

- 1.The Director of School Education,
DPI Complex, College Road, Chennai-6.
- 2.The Director of Elementary Education,
DPI Complex, College Road, Chennai-6.
- 3.The Passport Officer, Passport Office, Trichirappalli.

+1cc to Mr.D.Selvanayagam, Advocate Sr.No.53769
+1cc to Mr.R.Murugappan, Advocate Sr.No.53652
+1cc to The Special Government Pleader Sr.No.53934

akm/30.09.2015 /2p-7c/

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