



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2015

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THE HONOURABLE **MR.JUSTICE R.MAHADEVAN**

W.P(MD).No.16036 of 2013

Mohamed Ali.J

... Petitioner

Vs.

1.The Secretary,
Government of Tamil Nadu,
Directorate of Government Examination,
Board of Matriculation Examination,
DPI Complex, College Road,
Chennai-600 006,
Tamil Nadu.

2.The Director,
Director of Technical Education (DoTE),
Government of Tamil Nadu,
Sardar Patel Road,
Guindy,
Chennai-600 025.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondents to rectify the petitioner date of birth as 08.05.1991 instead of 08.05.1990 in the educational and transfer certificates and in the records on their file within the time stipulated by this Court.

For petitioner : Mr.T.Lajpathi Roy

For Respondents : Mr.Gunaseelan Muthiah
Standing Counsel

ORDER

This Writ Petition has been filed praying for the issuance of a Writ of Mandamus to direct the respondents to rectify the date of birth as 08.05.1991 instead of 08.05.1990 in the educational and transfer certificates and in the records on their file within the time stipulated by this Court.

2. The learned counsel appearing on behalf of the petitioner submitted that the petitioner's actual date of birth as per the Birth Certificate is 08.05.1991. But, inadvertently, it was wrongly stated as 08.05.1990 in the educational and transfer certificates. The said fact was also brought to the knowledge of the respondents on 22.06.2013 citing similar circumstances happened in the case of **S.Rajesh Kumar Vs. The**



Secretary, Board of Secondary Education, Madras and others in W.P.(MD). No.3940 of 2009. In spite of it, there was no response from the respondents forcing the petitioner to file the present Writ Petition for the relief stated earlier.

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3. The learned Standing counsel appearing for the respondents would contend that the mistake was not brought to the notice of the respondents by the petitioner's father within a reasonable time. All along the petitioner's father had kept quiet till the completion of his son's studies. Further, through his counter, he would submit that application for alteration in the date of birth will not be entertained after a pupil who has completed his school course and appeared for the S.S.L.C public examination.

4. Heard both sides. By consent, the Writ Petition is taken up for final disposal.

5. A perusal of the counter affidavits would disclose the fact that the authorities are empowered to consider the request of the petitioner for the simple reason that through paragraph No.6 of the counter affidavit it is stated that the concerned authority in respect of the issue in question is the Inspector of Matriculation Schools as well as the Directorate of Matriculation Schools, Chennai. Added further, in an identical issue, this Court has already considered the issue in question through W.P.(MD).No.9340 of 2009 to rectify the date of birth of the petitioner therein and allowed the said Writ Petition wherein a suitable direction was issued to the respondents therein. More over, in the case on hand, there is no dispute with regard to the Birth Certificate issued by the Corporation of Madurai dated 16.07.1991. All that the petitioner wants in this Writ Petition is that the correction shall be effected in all the Certificates as per the Birth Certificate issued by the Madurai Corporation.

6. When that being so, there may not be much impediment for the respondents to consider the request of the petitioner in view of the Birth Certificate as well as the order of this Court dated 18.09.2012. Therefore, on the basis of the records produced by the petitioner, the first respondent is directed to pass appropriate orders, by applying the relevant provisions and taking note of the earlier order passed by this Court, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar(C.S.)



To

1.The Secretary,
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Board of Matriculation Examination,
DPI Complex, College Road,
Chennai-600 006,
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2.The Director,
Director of Technical Education (DoTE),
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TS/11.05.2015/2P-3C

W.P (MD) .No.16036 of 2013

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