

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.10796 of 2016

R.Diwakar

... Petitioner

vs.

- 1.The Director of School Education,
Government of Tamil Nadu,
Chennai-6.
- 2.The Secretary,
State Board of School Examination
(Higher Secondary),
Chennai-6.
- 3.The Secretary,
State Board of School Examination
(Secondary),
Chennai-6.
- 4.The Chief Educational Officer,
Kancheepuram District,
P.S.Municipal Higher Secondary
School Campus,
Ground Floor, Vaigundhapuram Street,
Kancheepuram-1.
- 5.The Principal,
Baynes Memorial Baptist Church,
Matriculation Higher Secondary School,
No.188, Baptist Avenue,
Jaladianpet, Chennai-100.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent herein to take appropriate action and to issue necessary direction to the concerned authorities in order to correct the petitioner's actual date of birth i.e., 26.2.1997 instead of 26.2.1996 in the petitioner's S.S.L.C and H.S.C. Certificates and as well as in the petitioner's school Transfer Certificates within a stipulated period of time.

For Petitioner : Mr.B.Ganesha Moorthy
For Respondents : Mr.S.V.Durai Solai Malai,
Addl. Govt. Pleader,
for R.1 to R.4

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to take appropriate action and to issue necessary direction to the concerned authorities in order to correct his actual date of birth as 26.2.1997 instead of 26.2.1996 in his S.S.L.C and H.S.C. Certificates and as well as in his school Transfer Certificates within a stipulated period of time.

2. The case of the petitioner, in brief, is as follows:-

(a) The petitioner was born on 26.2.1997 and his date of birth was duly registered by his parents before the Corporation of Chennai and the same was registered vide registration No.COC/1997/09/137/ 000053/0 dated 24.6.2014, in which his date of birth has been mentioned as 26.2.1997.

(b) The petitioner studied upto V Standard at Mahatma Gandhi Vidyalaya School, T.Nagar, Chennai and in his school leaving certificate, his date of birth has been mentioned as 26.2.1997. Thereafter, he studied VI Standard to XII Standard at Baynes Memorial Baptist Church Matriculation Higher Secondary School and in the application form, his parents had mentioned his correct date of birth as 26.2.1997. After completion of higher secondary course, in the year 2014, the petitioner joined B.Sc. Information Technology Course at Vels University and he has completed his Semester Examination.

(c) While so, the petitioner came to know that in his S.S.L.C., H.S.C. certificates and in his School Transfer Certificate, his date of birth has been mentioned as 26.2.1996 instead of 26.2.1997. Immediately, his mother approached the respondents 2 and 3 by submitting a representation dated 10.7.2014 to correct the same in his school certificates, pursuant to which, the second respondent by proceedings dated 28.7.2014, directed them to approach the first respondent through the respondent 4 and 5. Accordingly, his parents have approached the respondents 4 and 5. But, they have informed them that they have not committed any error in issuing the certificates and further instructed them to approach the first respondent in this regard. Accordingly, the petitioner's parents approached the first respondent, who in turn, directed them to approach the Court of law and obtain necessary direction in order to correct his date of birth in the certificates. Hence, the petitioner issued a legal notice dated 25.8.2015 to

the respondents herein. In spite of the said representation dated 10.7.2014 and the legal notice dated 25.8.2015, the respondents have not taken any steps to correct his actual date of birth. Hence, the petitioner has come up with the present writ petition seeking a direction to the first respondent to take appropriate action and to issue necessary direction to the concerned authorities in order to correct his actual date of birth i.e., 26.2.1997 instead of 26.2.1996 in the his S.S.L.C and H.S.C. Certificates and as well as in his school Transfer Certificates within a stipulated period of time.

3. Learned counsel appearing for the petitioner submitted that due to inadvertence and oversight, the petitioner's mother, who is an illiterate, had wrongly mentioned the petitioner's date of birth as 26.2.1996 instead of 26.2.1997 in the Declaration forms, which were executed at the time of S.S.L.C. and H.S.C. Examinations. He has further submitted that the wrong entry is only due to the error committed by her while filling up the forms. A perusal of the birth certificate issued by the Corporation of Chennai would clearly show that the petitioner's correct date of birth is 26.2.1997. Thus, he sought for a direction as prayed for in the writ petition.

4. I have heard the learned Additional Government Pleader, who has taken notice on behalf of the respondents 1 to 4.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court is constrained to pass the following order:-

(i) The petitioner is directed to give a fresh representation to the fifth respondent along with a copy of this order, seeking to enter his date of birth as 26.2.1997 instead of 26.2.1996 in the S.S.L.C and H.S.C. Certificates and in his school Transfer Certificates, within a period of one week from the date of receipt of a copy of this order.

(ii) On receipt of the same, the fifth respondent is directed to forward the same to the first respondent, within a period of two weeks thereafter.

(iii) On receipt of the representation forwarded by the fifth respondent, the first respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner, within a period of eight weeks thereafter.

6. The writ petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1.The Director of School Education,
Government of Tamil Nadu,
Chennai-6.

2.The Secretary,
State Board of School Examination
(Higher Secondary),
Chennai-6.

3.The Secretary,
State Board of School Examination
(Secondary),
Chennai-6.

4.The Chief Educational Officer,
Kancheepuram District,
P.S.Municipal Higher Secondary
School Campus,
Ground Floor, Vaigundhapuram Street,
Kancheepuram-1.

+ 1 cc to Govt.Pleader SR 18665

+ 1 cc to Mr.B.Ganesamoorthy, Advoate SR 18442

msm(co)
prk22/4

W.P.No.10796 of 2016

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