

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14821 of 2016

Minor V.Vijay,
rep. by his father and natural
guardian V.Venkatesh ... Petitioner

vs.

- 1.The Director of Government
Examinations,
Directorate of Government
Examinations,
DPI Compound, College Road,
Chennai-6.
- 2.The Head Master,
Chennai High School,
Manigandan Street,
Chennai-21.
- 3.The Chairman and Principal,
Central Polytechnic College
(Autonomous),
Department of Technical Education,
Tharamani, Chennai-113. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents herein to consider the representation of the petitioner dated 16.3.2016 in seeking to correct the date of birth as 22.6.1998 in the SSLC certificate, Transfer Certificate and Diploma Mark Sheets and Certificate as per the birth certificate issued by the Corporation of Chennai.

For Petitioner : Mr.G.Arul Murugan

For Respondents : Mr.M.Dig Vijaya Pandian,
Addl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents herein to consider his representation dated 16.3.2016, seeking to correct his date of birth as 22.6.1998 in the SSLC certificate, Transfer Certificate and Diploma Mark Sheets and Certificate as per the birth certificate issued by the Corporation of Chennai.

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

(a) The petitioner was born on 22.6.1998 in Royapuram RSRM Hospital, Chennai. Immediately, his date of birth was registered with the Chennai Corporation on 30.6.1998 and the birth certificate has been issued by the Chennai Corporation on 9.12.1999, certifying the date of birth of the petitioner as 22.6.1998.

(b) The petitioner studied upto X standard in the second respondent school and after completing SSLC, the petitioner joined in the third respondent Polytechnic in 3 years Diploma in Marine Engineering. After completing the said course, he came out successfully in the final year examination held in May, 2015. Thereafter, the petitioner applied for job and only now, he noticed that his date of birth in the SSLC Certificate, Transfer Certificate and the Diploma mark sheets has been wrongly mentioned as 22.6.1997 instead of 22.6.1998.

(c) After coming to know about the said mistake, the petitioner sent a representation to the respondents on 16.3.2016, requesting them to correct his date of birth in the certificates as per the date of birth mentioned in the birth certificate issued by the Chennai Corporation. Even though the respondents have received the said representation, till date, they have not taken any effective action on his representation and they have not issued the corrected certificates. Hence, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to give a fresh representation to the second respondent, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to forward the same to the first respondent within two weeks thereafter, and on receipt of the same, the first respondent is directed to pass appropriate orders with regard to the correct date of birth, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar (CSVI)

True Copy

Sub-Assistant Registrar

sbi
To

1. The Director of Government
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+1 cc to the Government Pleader sr.25438

+1 cc to Mr.G.Arul Murugan Advocate sr.25073

W.P.No.14821 of 2016

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