

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22-09-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.16237 of 2014

G.Sujatha

.. Petitioner

Vs

1.The Secretary
Board of Matriculation Examinations
Department of Government Examinations
DPI Complex, College Road
Chennai-6.

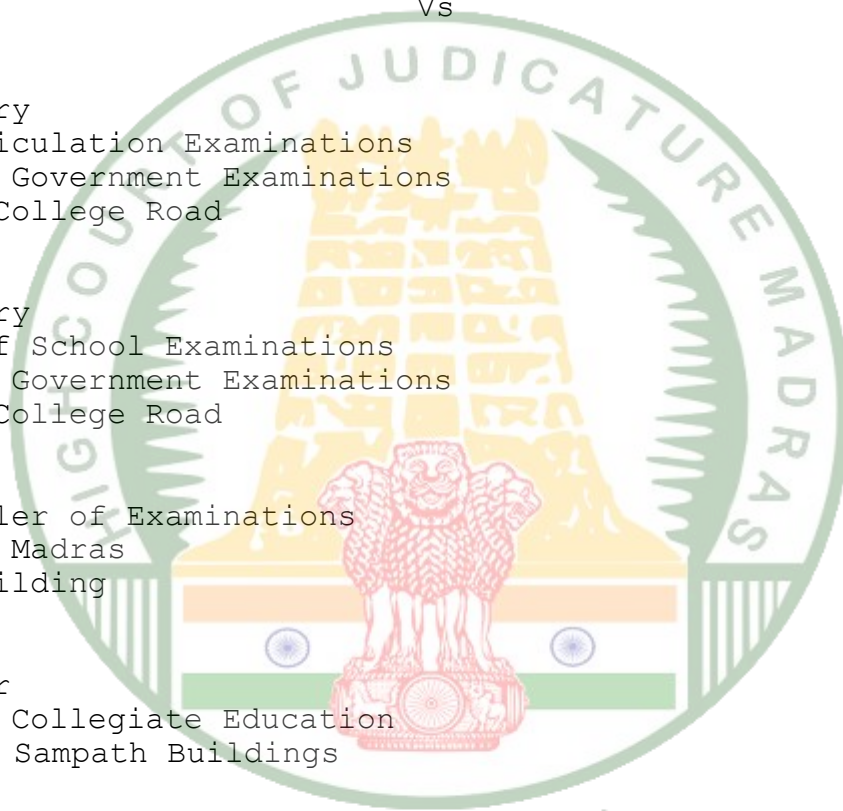
2.The Secretary
State Board of School Examinations
Department of Government Examinations
DPI Complex, College Road
Chennai-6.

3.The Controller of Examinations
University of Madras
University Building
Chennai-5.

4.The Director
Department of Collegiate Education
9th Floor, EVK Sampath Buildings
College Road
Chennai-6.

5.Sri Ayyappa Matriculation Higher Secondary School
rep. By its Principal
Perambur
Chennai-11.

6.St. Marys Girls Matriculation School
rep. by its Principal
Madurai Swamy Madam Street
Perambur, Chennai.



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7. Anna Adarsh College for Women
rep. by its Principal
A1, 2nd Street, 9th Main Road
Anna Nagar, Chennai-40.

.. Respondents

Prayer: The writ petition is filed to issue a Writ of Mandamus, directing the respondents 1 to 7 to correct the date of the birth of the petitioner as 15.8.1987, instead of 15.6.1987, in the mark sheets as well as the transfer certificates, issued by the respondents concerned, within the stipulated time.

For Petitioner : M/s.V.S.Usha Rani

For Respondents Nos.1, 2 & 4 : Mr.V.Jaya Prakash Narayanan
Special Govt. Pleader

For Respondent No.3 : M/s.G. Thilakavathi

For Respondent No.5 : Mr.K. Raja

For Respondents Nos.6 & 7 : No appearance

O R D E R

Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned counsels, appearing on behalf of the respondents 1, 2, 3, 4, and 5. There is no appearance for the respondents 6 and 7.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondents 1 to 7 to correct the date of the birth of the petitioner, as 15.8.1987, instead of 15.6.1987, in the mark sheets, as well as in the transfer certificate, by the respondents concerned, within the stipulated time.

3. The petitioner has stated that, she was born on 15.8.1987, at Srinivas Nursing Home and Poly Clinic, Chennai. The said date of birth had been registered, in the register maintained by the Corporation of Chennai, under Registration No.456, as per the Registration of Births and Deaths Act, 1969. The Birth Certificate issued by the Corporation of Chennai, shows that the petitioner was born, on 15.8.1987.

4. It has been further stated that the petitioner had joined in the First standard, in Don Bosco Nursery and Primary School, Chennai, on 7.10.1992. The petitioner had given her correct date of birth in the said School, as 15.8.1987, as per the birth certificate issued by the Corporation of Chennai.

5. Thereafter, the petitioner had pursued her studies, from V

standard to IX Standard, in the St.Marys Girls Matriculation Higher Secondary School, Perambur, Chennai, from 1996 to 2001. In the said School also, the date of birth of the petitioner had been entered correctly, in the records of the School, as 15.8.1987.

6. However, when she had joined X Standard, in Sri Ayyappa Matriculation Higher Secondary School, the date of birth had been wrongly entered by the said School, as 15.6.1987, instead of 15.8.1987. Therefore, in the S.S.L.C. Mark Certificate issued by the first respondent, the date of birth of the petitioner has been wrongly entered, as 15.6.1987. Thereafter, the petitioner had joined B.Com. Degree Course, in Anna Adharsh Evening College for Women, Chennai, and had completed her B.Com. Degree Course, during the year 2008. In the mark sheets issued by the third respondent and the transfer certificate issued by the fourth respondent, the date of the birth of the petitioner had been wrongly mentioned, as 15.6.1987, instead of 15.8.1987.

7. In such circumstances, the petitioner has preferred the present writ petition, before this Court, under Article 226 of the Constitution of India.

8. The learned counsel, appearing on behalf of the third respondent has submitted that the petitioner ought to have known about the entry of her date of birth as 15.6.1987, instead of 15.8.1987, at the relevant point of time. It is not open to the petitioner to seek a direction before this Court directing the authorities concerned to correct the date of birth, in the relevant certificates, at this stage. Even otherwise, as the authorities concerned are not empowered to change the date of birth, the relief prayed for by the petitioner, in the present writ petition, cannot be granted. Therefore, it is for the petitioner, to approach the civil court, by filing a civil suit, for declaration of her correct date of birth, in accordance with law.

9. In view of the submissions made by the learned counsel, appearing on behalf of the third respondent, this Court is of the considered view that the relief prayed for by the petitioner, cannot be granted by this Court. Hence, the writ petition stands dismissed. However, it goes without saying that, it may be open to the petitioner, to pursue her remedies, if any, before the appropriate civil forum. No costs.

rnb

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Sd/-
Assistant Registrar

Sub-Assistant Registrar

To

1.The Secretary
Board of Matriculation Examinations
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+1CC to MR.V.S.USHARANI Advocate SR.NO. 53904

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MK:24/10/2016



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