

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21/3/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.39184 of 2015

Dr.O.Mathivanan

... Petitioner

Vs

1. The Director of School Education
DPI Compound
College Road
Chennai 600 006.

2. The Director of Government Examinations
DPI Compound
College Road
Chennai 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the first respondent to take appropriate action for considering the representation of the petitioner dated 29/10/2015, in the light of his birth certificate.

For Petitioner ... Mr.P.Nagaraju

For respondents ... Mr.P.Sanjay Gandhi
Additional Government Pleader

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal.

2. Heard Mr.P.Nagaraju, learned counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader for the respondents.

3. This writ petition has been filed praying to direct the first respondent, to take appropriate action, for considering the representation of the petitioner, dated 29/10/2015.

4. The case of the petitioner is that the petitioner was

born on 8/6/1961, to one Oppilamani and Sethu, in Irumpuli Kurichi Village, Ariyalur Taluk in Tiruchirapalli District. His Date of Birth was registered in Registrar's office as 8/1/1961. But in S.S.L.C certificate, the school authorities had wrongly mentioned the Date of Birth of the petitioner as 2/4/1959 instead of 8/1/1961. This mistake came to his knowledge only in the year 1995. Then, the petitioner had obtained the birth certificate from the concerned birth registrar's office and on that basis, he mentioned his Date of Birth as 8/6/1961 in his higher education and the same was entered in his transfer certificate. But the petitioner did not know as to whether the correction should be made in his S.S.L.C certificate also.

5. The petitioner was appointed as Assistant Professor in Madras University Tamil Department, on 21/12/2000 and in his service register, his Date of Birth was entered as 8/1/1961. Now, the University authorities, directed the petitioner to alter his Date of Birth in S.S.L.C book and 11th standard mark sheet. Hence the petitioner made representation to the respondents along with his original certificates directly and also through the School where he studied. Then, the second respondent sent a reply to the representation, vide his letter, dated 13/7/2015, stating that the correction to be carried out in the Secondary School leaving certificate.

6. Hence, the petitioner submitted a representation, through the Head master of the School, on 29/7/2015, to the District Educational Officer, Perambalur and the same was forwarded by him to the first respondent. But, the first respondent sent a reply, on 28/8/2015, by directing the petitioner, to approach the second respondent. But on enquiry, the petitioner came to know the first respondent himself got power to pass necessary order in this representation. Thereafter, the petitioner had made a detailed representation, to the first respondent, on 29/10/2015. Since the first respondent has not taken any action, the petitioner has come forward with the present writ petition praying for the relief as stated therein.

7. A counter affidavit was filed on behalf of the second respondent, wherein it is stated that the Director of School Education, Chennai 6/first respondent, is the competent authority to issue orders for correcting the school records. After the school authorities make the necessary corrections in the Date of Birth of the candidate, based on the order issued by the Director of School Education, then only, the second respondent can correct the Date of Birth in the certificates issued by the Department.

8. Without going into the merits of the claim of the petitioner, the first respondent is hereby directed, to consider the representation of the petitioner, dated 29/10/2015 and pass an appropriate order, on merits and in accordance with law, within a period of twelve weeks, from the date of receipt of a copy of this order, by affording an opportunity of personal hearing, to the petitioner. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petition.

9. With the above direction, this writ petition is disposed of. No costs.

s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Director of School Education
DPI Compound
College Road
Chennai 600 006.
2. The Director of Government Examinations
DPI Compound
College Road
Chennai 600 006.

+ 1 cc to Mr.P.Nagaraju, Advocate, SR 17903

+ 1 cc to Govt.Pleader, High Court, Madras SR 18098

ksj(co)
prk7/4

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