

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2016

Coram

The Honourable Mr.Justice HULUVADI G.RAMESH  
and  
The Honourable Mr.Justice V.PARTHIBAN

W.A. No. 1168 of 2016

R.Ananda Babu

.. Appellant

Vs.

1. The Secretary,  
The State Government  
Examination Commission,  
College Road,  
DPI Campus,  
Chennai-6.

2. The District Educational Officer,  
Chennai North,  
Chennai-08.

3. The Head Master,  
W.P.A.Soundarapandian Higher  
Secondary School,  
Ayanavaram,  
Chennai-23.

... Respondents

Writ Appeal is filed under Clause 15 of the Letters Patent, seeking to set aside the order dated 05.07.2016 passed in W.P.No.21565 of 2016 by the learned single Judge of this Court.

WP.No.21565 of 2016:Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus Calling for the records relating to the proceedings of the 1st respondent in Na.Ka.No. 001519/B7(2)/2016 dated 20-05-2016 and quash the same further directing the 1st respondent to made a correction on the petitioner date of birth as 03-09-1994 instead of 03-04-1994 in the X mark statement based on the Birth Certificate issued by the competent authority or any other suitable order.

For Appellant : Mr. K.Sathish Kumar  
For Respondents : Mr.K.Dhanjayan, Spl.GP for R1&R2  
No representation for R3

#### JUDGMENT

(Judgment of the Court was delivered by  
HULUVADI G.RAMESH, J.)

This Writ Appeal has been directed against the order of the learned single Judge passed in W.P.No.21565 of 2016, dated 5.7.2016, dismissing the writ petition filed by the appellant herein, seeking a direction to the first respondent to carry out the correction in respect of his date of birth as 3.9.1994 instead of 3.4.1994 in X mark statement based on his Birth Certificate, while setting aside the impugned proceedings of the first respondent dated 20.5.2016.

2. According to the appellant, his original date of birth was 3.9.1994 and he was given birth certificate to that effect also. However, in school records, at the time of admission, his date of birth was wrongly entered as 3.4.1994. In this regard, he made a representation to the respondents, seeking necessary correction. By proceedings, dated 20.5.2016, the first respondent, while rejecting request of the appellant, had stated that whatever date of birth entered in SSLC Mark list was final and there is no rule for changing the date of birth. Aggrieved by the same, the appellant filed the writ petition.

3. While dealing with the said writ petition, the learned Judge, in the light of the relevant provision, i.e. Section 15 of the Tamil Nadu Registration of Births and Deaths Act, 1969 and Rule 11 of the Tamil Nadu Registration of Births and Deaths Rules, 2009, has observed as under in para 6:

"6. In the light of the facts and circumstances, the petitioner is at liberty to submit an application for correcting the date of birth to the Registrar of Births and Deaths, Chennai within a period of two weeks from the date of receipt of a copy of this order and the said official, on receipt of the same, is directed to consider the said application on merits and in accordance with law in the light of the above cited statutory Rules and pass orders within a further period of three weeks thereafter and communicate the decision taken, to the petitioner."

4. The appellant, pursuant to the above order, instead of approaching the Registrar of Births and Deaths, Chennai, has come forward with the present writ appeal, raising technical

grounds that since it is only a correction, but not an alteration, which is not required to be rectified by the Registrar, but the same can be rectified by the respondents herein. It is to be noted that in respect of any correction or cancellation regarding the entry of a birth or death in any register or certificate, the competent authority is the Registrar of Births and Deaths. Even if the respondent authorities rectified the error as sought for by the appellant, that would not be given any effect. Therefore, we do not find any merit consideration in the writ appeal in order to entertain the same.

Accordingly, the Writ Appeal fails and it is dismissed. No costs.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Secretary,  
The State Government  
Examination Commission,  
College Road,  
DPI Campus,  
Chennai-6.

2. The District Educational Officer,  
Chennai North,  
Chennai-08.

+1 cc to M/s.P.Mahalakshmi Advocate sr 62895  
+1 cc to Government Pleader sr 63269

WA.No.1168 of 2016

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