

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.17215 of 2010

M.P. No.1 of 2010

Minor S.Kiran Prtiyanka

Rep. by the Natural Guardian

K.Sampath

.... Petitioner

Vs.

1.The Director of School Education,
College Road,
Chennai - 6.

2.The Secretary,
State Board of School Examinations,
College Road, Chennai - 6.

3. The Head Master,
M.A.M. Matriculation Higher
Secondary School,
Mathaiyan Kuttai,
Mettur Dam, Salem.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to forthwith correct / alter the date of birth of the petitioner as 31.08.1994 instead of 31.06.1994 in all school records on the basis of the birth extract and to consequently direct the third respondent to make such proper and correct entries in its records.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.D.Sanjay Gandhi,
Additional Govt. Pleader

ORDER

The prayer in the writ petition is for the issuance of a Writ of Mandamus directing respondents 1 and 2 to forthwith correct / alter the date of birth of the petitioner as 31.08.1994 instead of 31.06.1994 in all school records, on the basis of the birth extract and to consequently direct the third respondent to make such proper and correct entries in its records.

2.The case of the petitioner is that her actual date of birth is 31.08.1994 and to that effect the Certificate of Birth issued on 06.09.1994 by the Registrar of Births & Deaths, Municipal Office, Hosur has been produced.

3.Heard both sides.

4.The learned counsel appearing for the petitioner submits that the date of birth of the petitioner has been wrongly carried out as 31.06.1994 and the same is reflected in the Secondary School Leaving Certificate. The same mistake continued in the Transfer Certificate of the petitioner, where also the date of birth is mentioned as 31.06.1994. Apparently, it is an inadvertent mistake as there can be no date as "31st June".

5.The petitioner has also made a representation to rectify the said mistake to the first and second respondents on 16.06.2010. However, till date, no action has been taken and no corrections have been made by the respondents, as to the correctness of date of birth in the concerned records. Hence, the petitioner has come out with this petition seeking the afore stated relief.

6.The date of birth of the petitioner as entered in the records as 31.06.1994 is apparently a mistake on the face of the record, viz., the date and month, 31st June, will not be there in the english calendar month. Therefore, the said date has to be necessarily rectified. The petitioner has also produced Certificate of Birth issued on 06.09.1994 by the Registrar of Births & Deaths, Municipal Office, Hosur, to support his claim that the correct date of birth of the petitioner is 31.08.1994. At any rate, the present date of birth as entered in the school record as 31st June 1994, is the wrong date of birth.

7.In view of the above, this Court is of the view that a direction should be given to the respondents to do the needful for the rectification.

8.Hence, there shall be a direction to the petitioner to approach the respondents 1 and 2, ventilating her grievance, namely the correction in her date of birth, by way of a fresh representation along with the copy of this order and necessary particulars, within a period of two weeks from the date of receipt of the copy of this order and on receipt of the same, if all the things are otherwise in order, the respondents shall correct / alter the date of birth of the petitioner in all school records, within four weeks thereafter.

9.The Writ Petition is disposed of accordingly. No costs.

vsi2

Sd/-

Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

1.The Director of School Education,
College Road,
Chennai - 6.

2.The Secretary,
State Board of School Examinations,
College Road, Chennai - 6.

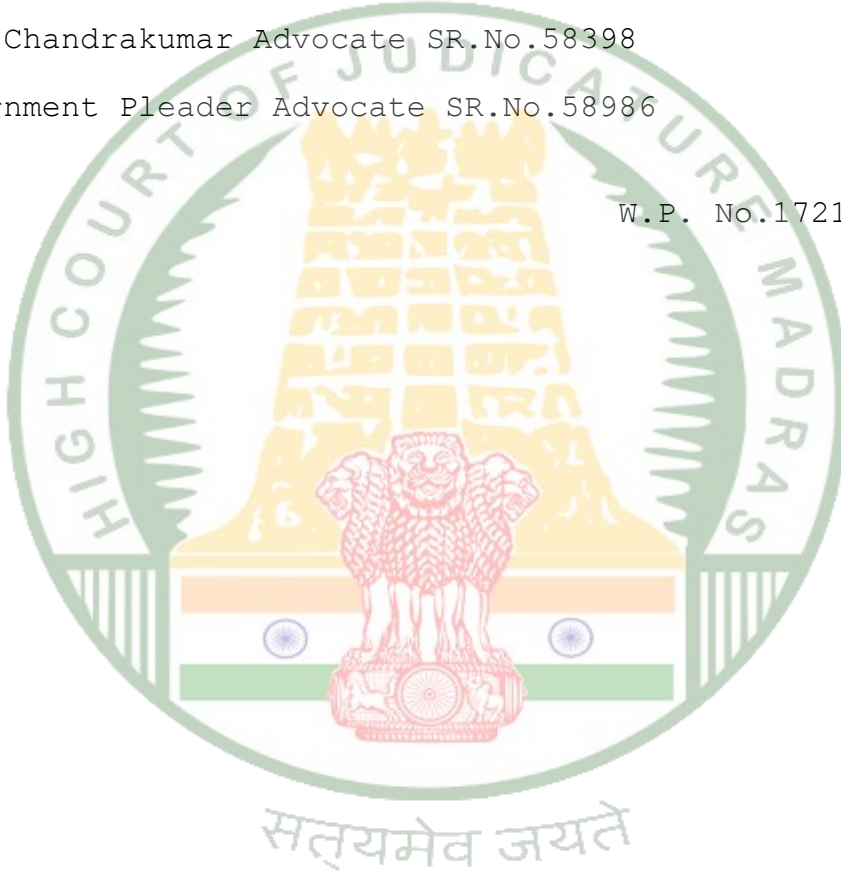
+1 CC Mr.L.Chandrakumar Advocate SR.No.58398

+1 CC Government Pleader Advocate SR.No.58986

W.P. No.17215 of 2010

AD

MSI 08/11/2016



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