

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P. No.36744 of 2016

Mrs.Archana Carolin

... Petitioner

Vs.

1. State, rep.by
Secretary to Govt.
Education Department,
Fort St.George,
Chennai-600 009
2. The Director of Government Examinations,
College Road, DPI Campus,
Nungambakkam,
Chennai-600 006
3. The Regional Deputy Director,
O/o.The Regional Deputy Director of
Government Examinations,
College Road,
Chennai-600 006
4. The Secretary,
Board of Matriculation
Examinations,
College Road, Chennai-6
5. The Secretary,
State Board of School
Examinations,
College Road,
Chennai-600 006

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus, directing the second respondent to issue to the petitioner a rectified Certificate for X Standard Certificate vide Sl.No.0174261 for the examination conducted in March, 2001 and XII Standard Certificate vide Sl.No.0439111 for the examination conducted in March 2003,

containing the date of birth of the petitioner as 28.11.1985 instead of 29.11.1985 in conformity with the other Governmental records of the petitioner produced.

For Petitioners : Mr.R.Arun

For Respondents : Mr.S.Rajeswaran,
Special Government Pleader

ORDER

This writ petition has been filed for a writ of mandamus to direct the second respondent to issue to the petitioner a rectified Certificate for X Standard Certificate vide Sl.No.0174261 for the examination conducted in March, 2001 and XII Standard Certificate vide Sl.No.0439111 for the examination conducted in March 2003, containing the date of birth of the petitioner as 28.11.1985 instead of 29.11.1985 in conformity with the other Governmental records of the petitioner produced.

2. According to the petitioner her correct date of birth is 28.11.1985. In the Government records also it is correctly stated as 28.11.1985. The date of birth certificate issued by the Corporation also mentions her date of birth as 28.11.1985. But in the Corporation Certificate, the date when it was registered, is mentioned as 29.11.1985. When the petitioner was admitted in the school, the school authorities, by mistake have entered the date of birth as 29.11.1985, being the date of registration, but wrongly mentioning the same as date of birth, instead of 28.11.1985.

3. It is purely an error apparent on the face of records, committed by the authority concerned at the time of admission in the School. Therefore, the petitioner gave a representation to the second respondent, seeking to change her date of birth. Since no response is forthcoming from the respondent authorities, the petitioner has come forward with the present writ petition.

4. The learned Special Government Pleader would point out that the moment the person leaves the school, the school becomes functus officio or the Director of School Education cannot have any say in the change of certificates, as the certificates are given to the students on the date when they leave the school. Therefore, the petitioner's application cannot even be considered.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and also perused the records carefully.

6. Here is a peculiar case different from the normal routine. The student does not want to change his date of birth. The date of birth is correct, namely, 28.11.1985. Even in the Corporation records, it is only stated as 28.11.1985. A person has got 7 days time to register the date of birth. The petitioner's name has also been registered within the said seven days. In the certificate issued by the Corporation, the date of registration also is mentioned. Unfortunately, by mistake, the school, at the time of admission, had entered the date of registration as the date of birth, instead of the actual date of birth, which is also available in the Corporation records. Therefore, the petitioner made a representation. This representation cannot be summarily rejected as if the respondent authorities have no locus standi. If mistake has been committed by the school, while writing the date of birth, in incorporating the same from the certificate issued by the Corporation, that mistake should only be rectified by the school authorities or by the Director of School Education and not by any one else.

7. In that view of the above factual matrix, the writ petition is disposed of by directing the third respondent, the Regional Deputy Director of Government Examinations, to consider the representation of the petitioner and pass orders in accordance with law, keeping in mind the above observation made by this Court. No costs.

Sd/-

Assistant Registrar(CS IV)

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सत्यमेव जयते

Sub Assistant Registrar

msk

To

1. The Secretary to Govt.
Education Department,
Fort St.George,
Chennai-600 009

2. The Director of Government Examinations,
College Road, DPI Campus,
Nungambakkam, Chennai-600 006

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3. The Regional Deputy Director,
O/o.The Regional Deputy Director of
Government Examinations,
College Road,
Chennai-600 006

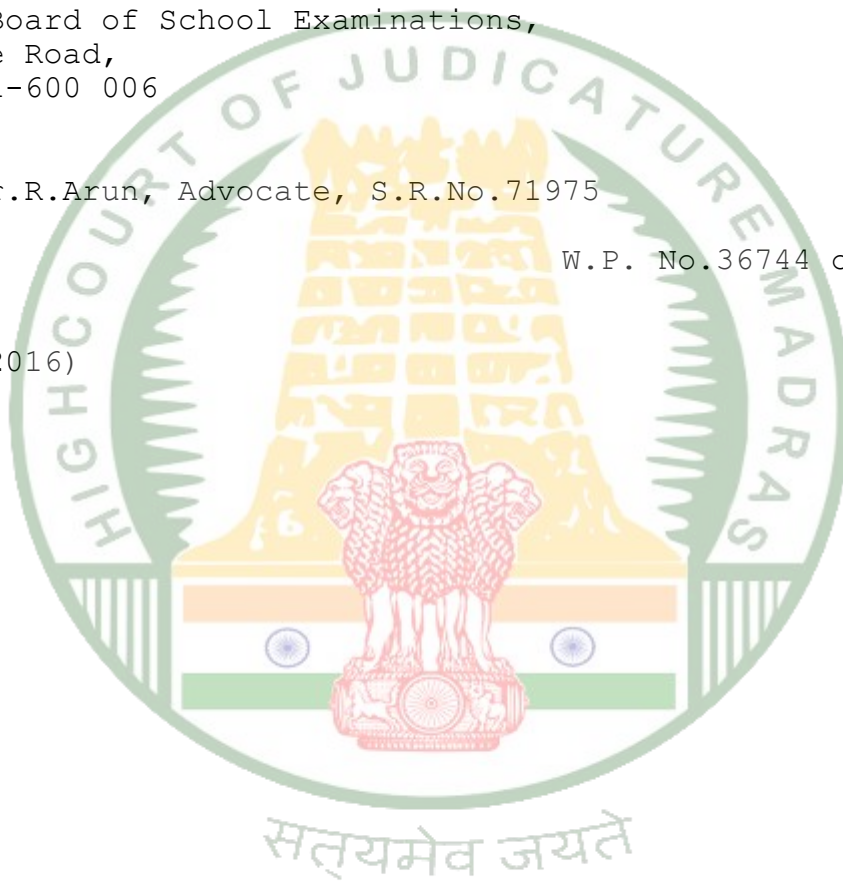
4. The Secretary,
Board of Matriculation Examination,
College Road, Chennai-6

5. The Secretary,
State Board of School Examinations,
College Road,
Chennai-600 006

+1cc to Mr.R.Arun, Advocate, S.R.No.71975

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CA(20/12/2016)



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