

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4538 of 2016

Siva Shankar

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Petitioner

Vs.

1.The State of Tamil Nadu,
rep.by its Secretary,
Department of School Education,
Fort St.George, Secretariat,
Chennai-600 009.

2.Director of School Education,
Department of School Education,
DPI Complex,
College Road,
Nungambakkam,
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, directing the second respondent to change the petitioner's date of birth as 18.03.1993 in the X Standard Certificate and Higher Secondary School Certificate.

For Petitioner : Mr.N.Surya Senthil

For Respondents : Mr.P.Karthikeyan,
Govt.Advocate.

O R D E R

This Writ Petition has been filed, praying for issuance of a writ of mandamus to direct the second respondent to change the petitioner's date of birth as 18.03.1993 in the X Standard Certificate and Higher Secondary School Certificate.

2. The petitioner has stated in his affidavit that he was born on 18.03.1993 and the same is reflected in his Birth Certificate. However, in his X Standard Certificate issued in March, 2009, the petitioner's date of birth has been inadvertently recorded as 18.03.1994. The petitioner was not well informed at that time and since his parents are illiterate, they did not advise him immediately to approach the respondents for correcting the mistake in the date of birth. The same mistake has been carried forward in his Secondary Course Certificate, B.E.Course Transfer Certificate, Aadhaar Card and PAN Card, as the said documents relied on the X Standard Certificate details. The further case of the petitioner is that he, having now completed B.E. Course, is applying for various government and private sector jobs, but, he is facing scrutiny in the discrepancy in the date of birth in his birth certificate vis-a-vis other records. Hence, an entry in the birth certificate by virtue of registration or alteration or cancellation by the competent authority under the Registration of Births and Deaths Act, 1969, has to be given effect to, otherwise, the purpose would be defeated. There cannot be different entries in the public records by different authorities. The date of birth as entered in the birth extract has to be entered in all the public records uniformly. In this regard, the petitioner has submitted a representation, dated 08.01.2016, to the second respondent, enclosing all necessary documents, including the original birth certificate, but his request is not considered so far. Hence, the petitioner has approached this Court, by filing this Writ Petition.

3. I have heard the learned counsel for the parties.

4. Considering the facts and circumstances of the case, this Court is not inclined to give a direction to the second respondent to change the date of birth of the petitioner, as it is for the second respondent to pass appropriate orders on the representation of the petitioner. Accordingly, this Court directs the petitioner to submit a fresh representation along with a copy of this order to the second respondent, enclosing all necessary documents, within a period of one week from the date of receipt of a copy of this order, and, on receipt of such representation, the second respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, by taking into account the documents produced by the petitioner, within a period of four weeks thereafter.

5. Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

dixit

To

1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St.George, Secretariat,
Chennai-600 009.

2.Director of School Education,
Department of School Education,
DPI Complex,
College Road,
Nungambakkam,
Chennai-600 006.

1 cc to Mr. Surya Senthil, Advocate, Sr. 7668

1 cc to Government Pleader, Sr. 7906

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