

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5418 of 2016

V.N.Subramaniam

.. Petitioner

Vs.

1. The Head Master,
Government High School,
Guruvareddiyur, Anthiyur Taluk, Erode District.
2. The Head Master,
Government Higher Secondary School (Boys),
Anthiyur, Anthiyur Tk, Erode District.
3. The District Educational Officer,
Sathiyamangalam Main Road,
Gobichettipalayam, Erode District.
4. The Director,
Directorate of School Education,
College Road, Nungambakkam,
Chennai-6.
5. The Director,
Directorate of Government Examinations,
College Road, Nungambakkam,
Chennai-6.
6. The Chairman,
Bar Council of Tamil Nadu & Pondicherry,
Bar Council Office,
Parrys, Chennai-104.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 to 5 to amend the petitioner's date of birth as 04.10.1965 instead of 11.03.1966 in all his school records and mark sheets and further direct the sixth respondent herein to amend his date of birth as 04.10.1965 instead of 11.03.1966 in the records maintained by them (Roll No.909/1994) within time frame.

For Petitioner : Mr.S.Lakshmanasamy
For Respondents : Mr.S.Navaneethan, Addl.G.P.forRR-1 to 5

ORDER

The Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondents 1 to 5 to amend the petitioner's date of birth as 04.10.1965 instead of 11.03.1966 in all his school records and mark sheets and further direct the sixth respondent herein to amend his date of birth as 04.10.1965 instead of 11.03.1966 in the records maintained by them (Roll No.909/1994) within time frame.

2. It is the case of the petitioner that he was born and brought up in Patlur Village, Villamarathur, Vellithiruppur Post, Bhavani Taluk, Erode District and his parents are illiterates. At the time of admission in School, the petitioner's date of birth has been given as 11.03.1966. He completed SSLC in the first respondent-School in 1982, and thereafter, he completed +2 in the second respondent-School in 1984. Presently, he is practising as an Advocate in the Supreme Court of India. After the petitioner came to know that his original date of birth is 04.10.1965, he filed O.S.No.500 of 2014 before the Principal District Munsif Court, Bhavani, for declaration of his date of birth as 04.10.1965 and the said suit was decreed on 30.03.2015. Thereafter, he approached the respondents 1 and 2 to change his date of birth; the respondents 1 and 2 forwarded his application to the third respondent, who in turn forwarded the same to the fifth respondent for necessary action. Till date, the petitioner's representation has not been considered by the respondents 4 and 5. Hence, the petitioner has filed this Writ Petition for the above relief.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondents 1 to 5 and opposed the prayer made in the Writ Petition.

4. However, I am not inclined to give positive direction to the respondents as sought for by the petitioner. Therefore, without going into the merits of the case and considering the factual aspects of the matter, it is appropriate to direct the petitioner to give a fresh representation to the respondents 4 and 5. Accordingly, the petitioner is directed to give a fresh representation to the respondents 4 and 5, along with a copy of this order and also the decree, dated 30.03.2015 passed in O.S.No.500 of 2014, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, the respondents 4 and 5 are directed to pass appropriate orders on the said representation and after giving

an opportunity of hearing to the petitioner and necessary parties, dispose of the said representation, on merits and in accordance with law, within a period of four weeks thereafter.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

cs

s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

Copy to

1. The Head Master,
Government High School,
Guruvareddiyur, Anthiyur Taluk, Erode District.
2. The Head Master,
Government Higher Secondary School (Boys),
Anthiyur, Anthiyur Tk, Erode District.
3. The District Educational Officer,
Sathiyamangalam Main Road,
Gobichettipalayam, Erode District.
4. The Director,
Directorate of School Education,
College Road, Nungambakkam,
Chennai-6.
5. The Director,
Directorate of Government Examinations,
College Road, Nungambakkam,
Chennai-6.
6. The Chairman,
Bar Council of Tamil Nadu & Pondicherry,
Bar Council Office,
Parrys, Chennai-104.

+ 1 cc to Mr.S.Lakshmanasamy, Advocate SR 9496

+ 1 cc to Govt.Pleader SR 9653

nm(co)
prk17/2

W.P.No.5418 of 2016