

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6164 of 2016

S.Lakshmanasamy

.. Petitioner-in-person

Vs.

1. The Director,
Directorate of Examinations,
DPI, College Road,
Nungambakkam, Chennai.
 2. The Director,
Directorate of School Education,
DPI, College Road,
Nungambakkam, Chennai.
 3. The District Education Officer,
District Education Office,
Old Railway Station Road, Erode.
 4. The Headmaster,
Komarappa Senkunthar Higher
Secondary School (for Boys),
Ingur Road, Chennimalai,
Erode District.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents herein to amend the petitioner's date of birth as 16.08.1978 instead of 16.02.1978 in the petitioner's SSLC mark sheet and other School records and re-issue the same within time frame as may be fixed by this Court.

For Petitioner : Mr.S.Lakshmanasamy,
petitioner-in-person

For Respondents : Mr.S.Pattabiraman, Govt. Advocate

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents herein to amend the petitioner's date of birth as 16.08.1978 instead of 16.02.1978 in the petitioner's SSLC mark sheet and other School

records and re-issue the same within time frame as may be fixed by this Court.

2. It is case of the petitioner-in-person as projected in the affidavit filed in support of the Writ Petition that he is an Advocate and his parents are agriculturists and illiterates. His date of birth is mentioned as 16.02.1978 in his school records and when the passport authorities asked to produce the Birth Certificate, his father applied for the petitioner's Birth Certificate for the above date 16.02.1978 and on enquiry by the authorities, they found that his birth has not been registered and when made search in Erode Hospital where he was born, it was learnt that his mother's discharge summary issued by the Hospital in 1978 showed that the petitioner's date of birth is 16.08.1978 and not 16.02.1978, based on which, when verified with the concerned Municipal Corporation office, the petitioner's date of birth is registered on 18.08.1978 itself. The above mistake has crept in due to the illiteracy of his parents and the copy of the Birth Certificate issued by the competent authority and the Certificate issued by the Hospital, are enclosed to get the corrected SSLC records. When the fact remains so, his date of birth is mentioned wrongly in the School records as 16.02.1978, as at that time, he did not possess the Birth Certificate. He gave representation, dated 03.02.2016 to the fourth respondent for amendment of his date of birth in the School records, with the above enclosures. It is seen that the said representation was forwarded by the fourth respondent to the third respondent, who in turn forwarded the same to the respondents 1 and 2, who are the competent authorities to pass an order. The respondents 1 and 2 insisted the petitioner to get a Court order to change his date of birth, since even in Transfer Certificate itself, the wrong date of birth is mentioned. Hence, the petitioner has filed this Writ Petition for the above said relief.

3. Heard both sides.

4. As seen from the copy of the Birth Certificate issued by the Municipal authority, it is clear that the petitioner's date of birth is 16.08.1978. The petitioner (party-in-person) submitted that in an identical case, this Court in W.P.No.23716 of 2014, by order dated 03.03.2015, based on the earlier order of the Madurai Bench of this Court in W.P.(MD).No.9340 of 2009, dated 18.09.2012, directed the respondents therein to consider the case of the petitioner therein by issuing notice to the petitioner to produce all original records, namely his Birth extract and other records for effecting the change in the date of birth in the School records by correcting the date of birth and the above exercise was directed to be done by the respondents therein as expeditiously as possible.

5. Following the above said order dated 03.03.2015 passed in W.P.No.23716 of 2014 by this Court, this Writ Petition is disposed of, directing the respondents 1 and 2 to conduct enquiry by issuing notice to the petitioner to produce all original records, namely his Birth extract and other records, and pass an appropriate order for effecting change in the date of birth in the School records by correcting his date of birth as 16.08.1978. The above exercise has to be done by the respondents 1 and 2 within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cs

Copy to

1. The Director,
Directorate of Examinations,
DPI, College Road,
Nungambakkam, Chennai.
 2. The Director,
Directorate of School Education,
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 3. The District Education Officer,
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 4. The Headmaster,
Komarappa Senkunthar Higher
Secondary School (for Boys),
Ingur Road, Chennimalai, Erode District.
- + 1 cc to MR.S. Lakshmanasamy, Advocate sr.12491
+ 1 cc to the Government Pleader Sr.12956

W.P.No.6164 of 2016

TEJ(CO)
Eu 08.03.16