

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.6467 of 2016

S.Rajendran

... Petitioner

vs.

- 1.The Director of Government
Examinations,
College Road, Chennai-6.
- 2.The Director of School Education,
College Road, Chennai-6.
- 3.The Chief Educational Officer,
Salem.
- 4.The Headmaster,
Government Higher Secondary School,
Yethapur, Attur Taluk,
Salem District.

.... Respondents.

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents herein to forthwith effect correction of date of birth as 15.1.1959 instead of 15.1.1956 in the SSLC Book of the petitioner bearing Sl.No.AE-012950 issued by the third respondent and other school records of the fourth respondent.

For Petitioner : Mr.K.Doraisami, SC
for M/s.Muthumani Doraisami

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader

ORDER

The petitioner has come up with the present writ petition for the issuance of writ of mandamus, directing the respondents herein to forthwith effect correction of his date of birth as 15.1.1959 instead of 15.1.1956 in his SSLC Book bearing Sl.No.AE-012950 issued by the third respondent and other school

records of the fourth respondent.

2. The case of the petitioner, in brief, is as follows:-

(a) The petitioner studied Standards 1 to 5 in Government Elementary School, Puthiragoundampalayam, Attur Taluk, Salem District during the academic years from 1963-64 to 1967-68. Thereafter, he studied 6th standard to 11th standard at Government High School, Yethapur, Attur Taluk, Salem District from the academic year 1968-69 to 1973-74. On completion of 11th standard, Secondary School Leaving Certificate was issued by the third respondent in Sl.No.AE-012950.

(b) A mistake had occurred in the petitioner's SSLC book relating to his date of birth. Hence, the petitioner verified the registers maintained by the authorities under the Births and Deaths Registration Act and the Tahsildar, Attur, who is the authority under the provisions of Births and Deaths Registration Act, informed him that his date of birth was not entered in the registers. Therefore, it became necessary for the petitioner to approach the learned Judicial Magistrate, Attur by filing a petition in Crl.O.P.No.3338 of 1996 seeking a direction to the Tahsildar, Attur regarding the correct date of birth in their registers. The Special Tahsildar, who was deputed for this purpose, conducted a detailed "thread bare investigation" locally and submitted his report before the learned Judicial Magistrate, Attur. On 12.11.1996, the learned Judicial Magistrate, Attur, after detailed enquiry, directed to issue Live Birth Report and directed the Tahsildar, Attur to enter the petitioner's correct date of birth as 15.1.1959.

(c) Based on the order of the learned Judicial Magistrate, Attur, on 28.11.1996, the Deputy Tahsildar issued the petitioner's date of birth certificate under Section 12 of the Births and Deaths Registration Act mentioning his date of birth as 15.1.1959. Thereafter, the Tahsildar, Attur issued a consequential order viz., Extract of Birth Certificate on 26.11.1996 mentioning the petitioner's date of birth as 15.1.1959. On 1.12.1997, the petitioner submitted his birth certificate mentioning his date of birth as 15.1.1959 before the Police Department to record his date of birth as 15.1.1959 instead of 15.1.1956.

(d) The petitioner's parents have ten children including the petitioner and he is the last but one child. Since his parents were illiterate persons living in remote village, the mistake in the date of birth had occurred. The petitioner approached the Secretary to Government, School Education Department, for correcting his date of birth in his SSLC book and service register. By letter No.26999/ SE5(2)/2015-2 dated

5.10.2015, the Principal Secretary to Government, School Education Department, forwarded his request to the Director of School Education. In the said letter, the Principal Secretary, School Education Department has indicated that since the petitioner was an IPS Officer, the date of birth in the service register could be corrected only by the authorities of the Central Government and to enable the petitioner to approach the Central Government, correction of his date of birth in his SSLC book is necessary. The Director of School Education informed that necessary steps in this regard should be initiated by the first respondent.

(e) The Director of Government Examinations passed an order in Rc.No.00001/B7/15 dated 8.10.2015 informing the second respondent that the correct date of birth should be entered by the first respondent only after the necessary corrections are made by the Headmaster of the school on the orders of the second respondent. The second respondent in his letter dated 9.10.2015, directed the third respondent to advise the fourth respondent to correct the date of birth in the Admission Register and withdrawal TC register and forward the papers to the Directorate for effecting necessary corrections in the SSLC book.

(f) Thereafter, the Chief Educational Officer called upon the Headmaster, Government Higher Secondary School, Yethapur, Salem District to effect the change in the date of birth. The fourth respondent Headmaster sent a communication to the third respondent in R.C.No.91/2015 dated 16.10.2015 requesting him to give the details of the dates to be changed. On the basis of the letter of the fourth respondent dated 16.10.2015, the third respondent requested the second respondent by letter dated 23.10.2015 to furnish the details of the date of birth to be changed. On receipt of the letter of the third respondent, the second respondent sent a communication dated 29.10.2015 clarifying that the petitioner's date of birth in the SSLC book has to be corrected as 15.1.1959. Even though the said communication was served on the third respondent, so far, the third respondent has not taken any steps to implement the same. Hence, the petitioner has come up with the present writ petitioner for the relief set out earlier.

3. I have heard the learned senior counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the respondents 3 and 4 to pass appropriate orders with regard to correction of date of birth of the petitioner as 15.1.1959 instead of 15.1.1956 in his SSLC Book bearing

Sl.No.AE-012950 issued by the third respondent and other school records of the fourth respondent, by taking note of the letter of the second respondent in Rc.No.056496/M/ E3/2015 dated 9.10.2015 directing the third respondent to advise the fourth respondent to correct the date of birth in the Admission Register and withdrawal TC Register, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi
To

- 1.The Director of Government
Examinations,
College Road, Chennai-6.
- 2.The Director of School Education,
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- 3.The Chief Educational Officer,
Salem.
- 4.The Headmaster,
Government Higher Secondary School,
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Salem District.

+1 cc to Mr.Muthumani Doraisami Advocate sr.10987
+1 cc to Government Pleader sr.11370

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