



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.08.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.14651 of 2016

P.Satheesh

... Petitioner

Vs.

1.The Director of School Education,
O/o.The Director of School Education,
DPI Campus, College Road,
Chennai-6.

2.The Secretary,
Board of Secondary Education,
Department of Government Examinations,
Chennai-6.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to alter the date of birth of the petitioner in the Secondary School Leaving Certificate as 12.11.1982 instead of 19.03.1982 in accordance with the Birth Certificate of the Petitioner within the time period stipulated by this Hon'ble Court.

For Petitioner	:Mr.T.Lajapathi Roy
For Respondents	:Mr.V.Muruganandham
	Addl. Govt. Pleader

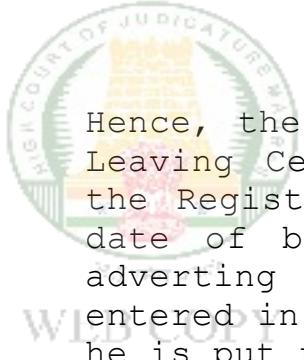
O R D E R

Heard both sides. By consent, the main writ petition itself is taken up for final disposal.

2.No counter is filed on behalf of the respondents.

3.According to the petitioner, he had completed his 10th Standard during year 1997 and was issued with Secondary School Leaving Certificate on 16.06.1997. Later on, he had completed Diploma and B.E (Civil Engineering). At present, he is working in a private company.

<https://hcservices.ecourts.gov.in/hcservices/> stand of the petitioner is that although he was born on 12.11.1982, at the time of his school admission, his parents had inadvertently entered his date of birth as 19.03.1982.



Hence, the said date of birth was entered in the Secondary School Leaving Certificate. Whereas in the Birth Certificate issued by the Registrar of Births and Deaths, Nagercoil Municipality, his date of birth is correctly registered as 12.11.1982. Without advertting to the Birth Certificate, his date of birth was wrongly entered in the 10th Standard School Leaving Certificate. Therefore, he is put to irreparable hardships.

5. The plea of the petitioner is that he had approached the educational authorities for altering the date of birth on par with the birth certificate. He could not get any fruitful reply. Also in a similar circumstance, one Rajesh Kumar filed W.P.(MD). No.9340 of 2009 and this Court, on 18.09.2012, at paragraph Nos.30 to 32, had observed the following:

"30.As stated supra, as per the birth certificate issued by the Sub Registrar, Thiruvattar enclosed in the typed set of papers, the name of the child entered in the said certificate is S.Rajesh Kumar. The date of birth has been shown as 19.01.1975. When the statute provides for correction or cancellation of an entry in the register of births and deaths maintained by the Sub Registrar after coming into force of the Act, the said certificate can be relied on for making necessary changes in public records which includes the records maintained in the office of the Director of Government Examinations Chennai. The contention of the respondents that the said correction can be made only before the student leaves the school and not later, cannot be accepted for the reason that any 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 for registration or alteration or modification would be defeated. There cannot be different entries in the public records maintained by different authorities, one under the Registration of Births and Deaths Act, 1969 and the other by the educational authorities. The date of birth as entered in the birth extract has to be entered in all the public records uniformly, unless and until any statutory rules, restrict such entry, like in the case of a Government servant, governed by the Tamil Nadu State and Subordinate Services Rules. In the light of the above discussion, this Court is not inclined to accept the objections of the educational authorities made on the basis of the Subsidiary rules framed before the introduction of the Central Act, 1969.



31. In the light of the decision made in W.P.No.9800 of 2009, dated 21.10.2009 in R.Deepak Vs.The Chairman Tamil Nadu Uniform Service Recruitment Board, Chennai and two others, the certificate issued by the competent authority under Registration of Births and Deaths Act, 1969, and other supporting documents relied on by the present writ petitioner has to be considered.

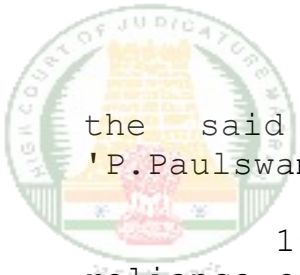
32. For the foregoing reasons, the writ petition is allowed. There shall be a direction to the respondents to consider the birth extract and other evidence produced by the petitioner while considering his representation, dated 03.09.2009 and make necessary changes, in the date of birth as 19.01.1975 in the Secondary School Leaving Certificate and the Higher Secondary Course and other certificates. The petitioner is at liberty to make a representation to the respondents along with a copy of this order and that he shall produce the original certificates for making necessary corrections. No costs."

6. It transpires that the petitioner had sent a detailed representation dated 25.07.2016 to the Respondents narrating the necessary facts and prayed for alteration of date of birth in his Secondary School Leaving Certificate as '12.11.1982' instead of '19.03.1982' as early as possible. But, however, no steps have been taken in this regard. If the erroneous entry of his date of birth in educational certificates is not altered, he will be put to irreparable loss and hardships. Hence, he has filed the present writ petition.

7. In response, it is the submission of the Learned Additional Government Pleader appearing for the First and Second Respondents that in the Secondary School Leaving Certificate, the petitioner had given his date of birth as '19.03.1982', given by his parents and hence, the subsequent plea taken by the petitioner that he was born on '12.11.1982' cannot be accepted, because of the fact that the petitioner has come before this Court, after a long period.

8. This Court has heard the Learned Counsel for the Petitioner and the Learned Additional Government Pleader for the First and Second Respondents and noticed their contentions.

9. At this stage, the petitioner has produced a Birth Certificate dated 13.11.1982, issued by the Registrar of Births and Deaths, Nagercoil Municipality, which clearly points out that the date of birth of the petitioner is '12.11.1982', in fact, in



the said certificate, his father's name is mentioned as 'P.Paulswamy', his mother's name is mentioned as 'P.Saraswathy'.

10. In view of the fact that the petitioner places heavy reliance on the Birth Certificate dated 13.11.1982 (being the date of registration), issued by the Registrar of Birth and Deaths, Nagercoil Municipality, wherein, the petitioner's date of birth is mentioned as '12.11.1982', as stated supra, at this stage, this Court, is of the considered view that the date of birth as entered in the Birth Extract has to be entered in all public records uniformly, unless and until any statutory rule prohibits such entry. Suffice it for this Court to point out that the Birth Certificate of the petitioner (registered on 13.11.1982) by the Registrar of Births and Deaths, Nagercoil Municipality, is to be considered by the Respondent Nos.1 & 2 in a fair, free, objective, pragmatic, practical and in a purposeful manner, within a period of three weeks from the date of receipt of copy of this order, by passing a reasoned, speaking order, on merits, (of course after providing necessary opportunity to the petitioner and others concerned by adhering to the Principles of Natural Justice, if any). It is open to the Respondents 1 & 2 to seek for any other relevant documents/record from the possession of the petitioner, in the subject matter in issue and if any notice/memo is required to be issued to the petitioner, then, the same shall be issued by the Respondents and soon after receipt of the same, it is incumbent on the part of the petitioner to comply with the requirements of the concerned Respondents in the manner known to Law and in accordance with Law and that too without any haziness or hesitation. Also, the petitioner is directed to lend his assistance and co-operation to the Respondent concerned so as to enable them to do the needful in the subject matter in issue, within the time determined by this Court, as stated supra.

11. With the aforesaid observation(s) and direction(s), the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

/True copy/

Sub Assistant Registrar

To

1. The Director of School Education,
O/o. The Director of School Education,
DPI Campus, College Road,



2.The Secretary,
Board of Secondary Education,
Department of Government Examinations,
Chennai-6.

WEB COPY

+1cc to M/s.T.Lajapathi Roy, Advocate SR.NO.44833
+1cc to special Government Pleader SR>no.44911

vs

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