

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-03-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P No.10641 of 2016

B.Karunakaran

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PETITIONER

Vs

1.The Secretary,
State Board of School Examination
Tamil Nadu,
Office of the Department of Govt. Examination
Chennai - 600 006.

2.The Headmaster
Municipal Higher Secondary School
Cuddalore - 607 001.

[R-2 impleaded as per order
dated 22/04/16 by RPSJ in
WMP.No.13122/16 in WP.10641/16]

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RESPONDENTS

Writ petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondent herein viz. the Secretary, State Board of School Examination, Tamil Nadu, Office of the Department of Govt. Examination, Chennai - 600 006 to consider the representation of the petitioner dated 22.01.2016 forthwith.

For Petitioner : Mr.A.Arasu Ganesan

For Respondents: Mr.P.Sanjay Gandhi
Addl. Govt. Pleader

O R D E R

The petitioner is said to have born on 16.01.1992, however at the time of admission into the school, the petitioner's date of birth was given as 19.01.1989 instead of 16.01.1992. The petitioner completed his SSLC and HSC in the year 2006 & 2009 respectively. Hence, the petitioner filed Crl.MP No.1992 of 2010 for issuance of birth certificate. Crl.MP No.1992 of 2010 has been allowed on 04.10.2010 directing the Board to issue birth certificate reflecting the date of birth of the petitioner as 16.01.1992. The said order has been furnished to the Board and revenue officials, based on which birth certificate was issued

to the petitioner on 23.12.2010. Subsequently, the petitioner made representation to the first respondent Board during July 2014 to correct his date of birth as 16.01.1992 instead of 19.01.1989 in the mark sheets, which was mistakenly given at the time of Board examinations. As per new birth certificate, the second respondent School corrected and issued a new transfer certificate on 31.07.2014. The petitioner also made representation to the first respondent on 22.01.2016 to make correction of his date of birth, as reflected in the school transfer certificate as 16.01.1992 instead of 19.01.1989. Since the said representation has not been considered and order has been passed, the petitioner is before this Court.

3. Heard Mr.A.Arasu Ganesan, learned counsel appearing for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents.

4. As per Rule 5 of the Secondary School Leaving Certificate Rules, any correction in the Date of Birth, Name or initial has to be made before completing the SSLC Examination. Therefore, the respondent has got no jurisdiction to make correction in the SSLC and HSC mark list. Though the petitioner contends that he was born on 16.01.1992 and his parents have wrongly given his date of birth as 19.01.1989 at the time of admission in the school, based on the statement of the petitioner, the Criminal Court has passed an order in CrI.MP No.1992 of 2010 on 04.10.2010 directing the Board to issue birth certificate as if he was born on 16.01.1992. No enquiry has been conducted by the Criminal Court and the only evidence available before the Criminal Court was the statement made by the petitioner.

5. The Criminal Court has got no jurisdiction to direct the Board to issue such certificate. If that is going to be encouraged, anybody could approach the Criminal Court and correct the date of birth according to his/her convenience. This kind of issuing certificate has been discouraged by this Court. Other than the criminal court order, there is no records available to correct the date of birth of the petitioner as 16.01.1992. Even otherwise, Rule 5 of the Secondary School Leaving Certificate Rules is a bar for making correction in the school records. Therefore, the prayer sought for by the petitioner cannot be granted to the petitioner.

6. In the result, this writ petition is dismissed. No costs.

-s/d-
Assistant Registrar(CSVI)

True Copy

Sub-Assistant Registrar

rgr

To

1.The Secretary,
State Board of School Examination
Tamil Nadu,
Office of the Department of Govt. Examination
Chennai - 600 006.

2.The Headmaster
Municipal Higher Secondary School ,
Cuddalore - 607 001.

W.P No.10641 of 2016

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