

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.04.2017
CORAM:
THE HON 'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA
Writ Petition No.326 of 2017

K.Kokila

... Petitioner
Versus

1. The Directorate of School Education
(Higher Secondary), D.P.I. Compound,
College Road, Nungambakkam,
Chennai-600 006.
 2. The Directorate of School Education
(Secondary Education),
D.P.I. Compound,
College Road, Nungambakkam,
Chennai-600 006.
 3. The Secretary,
Board of Higher Secondary Education,
Department of Government Examination,
Chennai-06.
 4. The Chief Educational Officer,
Kanchipuram District,
Dr.P.S.Srinivasan Municipal Higher Secondary
School Campus Ground Floor,
Vaigundhapuram Street,
Kanchipuram-631 501.
 5. The Headmaster,
Thanthai Periyar Government Higher Secondary
School, Kalaimagal Theru,
Puzhuthivakkam, Chennai-91.
- .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of Mandamus, directing the respondents 4 and 5 herein to send a proposal to the respondents 1 to 3 to change the date of birth of the petitioner in her 10th and 12th Standard Mark Sheets as per her Application dated 11.07.2016.

For Petitioner : Mr.T.L.Thirumalaisamy
For Respondents : Mr.V.Anandhamurthy, AGP
for R1 to R4
NA : R5

O R D E R

The Writ Petition has been filed seeking to issue a writ of Mandamus, directing the respondents 4 and 5 herein to send a proposal to the respondents 1 to 3 to change the date of birth of the petitioner in her 10th and 12th Standard Mark Sheets as per her Application dated 11.07.2016.

2. The case of the petitioner is that she has joined the 5th respondent school in the academic year 2006-2007 in 5th standard and subsequently, passed 10th Standard in March 2011 as well as Higher Secondary in March 2013. Thereafter, she has joined B.Tech. Computer Science in Hindustan University, Padur, Chennai and undergoing the degree course. While so, it came to her knowledge that her date of birth was wrongly mentioned as 12.06.1996 instead of 12.08.1996 in her 10th and 12th Mark Sheets. In this regard, the petitioner approached the 5th respondent school where she studied in person, but they refused to receive an application to change of her date of birth as stated above. However, the petitioner sent an application dated 11.07.2016 along with all necessary documents to the 4th and 5th respondents for the purpose of sending a proposal to the respondents 1 to 3 herein. But, till date, no steps have been taken on the side of the respondents 4 and 5. Hence, the present Writ Petition.

3. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4.

4. A perusal of the typed set of papers would disclose that for change of her date of birth as 12.08.1996 instead of 12.06.1996, the petitioner has sent an application to the respondents 4 and 5 with all necessary documents. But, it appears that based on the same, the respondents 4 and 5 have not chosen to send any proposal to the respondents 1 to 3 and the same is pending with them.

5. It is relevant to mention that in an identical situation, while allowing the W.P.(MD) No.9340 of 2009 by an order dated 18.09.2012, the Madurai Bench of this Court has held as follows:

''Subsidiary Rule 5 of the Secondary School Leaving Certificate Scheme, relied on by the respondents to contend that the application for alteration in the date of birth will not be entertained after a pupil had completed his course or

appeared for the S.S.L.C. Public Examination also is much earlier to the advent of the Registration of Births and Deaths Act, 1969 and the rules framed thereunder. Needless to say that the provisions of any Central Act, will prevail over the State Act or the rules or regulations, framed by the latter, on the same subject. When the statutory provisions stated supra, enable the competent authorities under the Registration of Births and Deaths Act, 1969 to make correction or cancellation as the case may be, the contention of the respondents that no alteration is permissible in the school records after the student leaves the secondary education cannot be countenanced.''

6. In view of the above, the respondents 4 and 5 herein are directed to send a proposal to the respondents 1 to 3, within a period of two weeks from the date of receipt of a copy of this Order, who in turn, shall consider the relevant documents submitted by the petitioner and pass appropriate orders on merits and in accordance with law with regard to change of her date of birth as sought for by her, within a period of six weeks thereafter.

7. The Writ Petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar(CSV)

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

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To

1. The Directorate of School Education
(Higher Secondary), D.P.I. Compound,
College Road, Nungambakkam,
Chennai-600 006.

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+2 ccs to Mr.Venkatasamy Babu Advocate sr 25096

W.P.No.326 of 2017

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