

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.16866 of 2014

K. Jhansi Rani

...Petitioner

Vs

1 The Director of School Education,  
DPI Campus,  
College Road, Chennai - 600 006.

2 The Chief Educational Officer,  
Vellore District, Vellore.

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus or any other appropriate Writ, order or direction in the nature of Writ directing the respondents to alter the date of birth of the petitioner as 24.01.1970 instead of 24.10.1968 in the Service Register as per the original birth extract issued by the Department of Registration in Form V by considering the representation submitted by the petitioner dated 24.04.2007 and the proposal forwarded by CEO/District Programme Officer SSA, Vellore dated 28.05.2007, with all consequential and other attendant benefits.

For Petitioner : Mr. G. Sankaran

For Respondents: Mr. R. Vijayakumar (For R1 & R2)  
(Addl. Government Pleader)

सत्यमेव जयते  
O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to alter the Date of birth of the petitioner as 24.01.1970 instead of 15.10.1968 in her service register as per the Date of birth extract issued by the Department of Registration in Form V by considering the representation submitted by the writ petitioner on 24.04.2007 and based on that, a Proposal was forwarded by the Chief Educational Officer in proceeding dated 28.05.2007 to the Joint Director of School Education (Personnel).

2.The learned counsel appearing for the Writ petitioner made a submission that the Writ petitioner was appointed to the post of Block Resource Teacher Educator through Teacher Recruitment Board as per the proceedings dated 19.07.2002. The Service of the petitioner was regularized from the date of her initial appointment and further her probation was also declared. However, it is the contention of the Petitioner that her Date of birth in the service records was wrongly entered as 15.10.1968 instead of 24.01.1970.

3.The learned counsel for the Petitioner states that the entry in the Service records, which was initially made in the Department, was based on the School Certificate which has been submitted by the Writ petitioner. In the School certificate, the Date of birth of the Writ petitioner is recorded as 15.10.1968. Subsequently, the petitioner states that her correct date of birth is 24.01.1970 and in support of that, she has enclosed the copy of the birth extract issued by the Department of Registration in the typeset of papers, filed along with the writ petition.

4.On perusal of the said birth extract dated 16.07.1970, issued by the Sub-Registrar, Katpadi and the Application submitted for altering her Date of birth in the Certificate was made during the year 2014 and based on the Application, according to the Petitioner, the Certificate was issued on 11.04.2014. However, it is not clear whether any enquiry was conducted in that regard or the Certificate issued by the Sub-Registrar was based on any other documents. In the absence of any such proof, the Certificate issued by the Sub-Registrar cannot be accepted as it is and the Date of birth cannot be altered in the Service records of the Writ petitioner. This Court is not able to appreciate the manner in which the Certificate was issued by the Sub-Registrar, Katpadi.

5.Parliament enacted the Registration of Births and Deaths Act, 1969 with a view to maintain accurate countrywide registration data for purposes of national planning, organizing public health and medical activities and various other socio economic welfare measures.

(i) Under Section 3(1), the Central Government has been authorized to appoint a person as Registrar General of India. Under Section 4, the respective State Governments are entitled to appoint a Chief Registrar for every State. Under Section 6, the State Government was empowered to appoint a District Registrar for each Revenue District and such number of Additional District Registrars as it thinks fit, who shall also discharge such functions as District Registrars subject to the general control and direction of the District Registrar. Under Section 7 of the Act, the State Government may appoint a Registrar for each local area comprising the area within the

jurisdiction of a municipality, panchayat or other local authority or any other area or a combination of any two or more of them.

(ii) Under Sub-Section (2) of Section 7, every Registrar shall, without fee or reward, enter in the register maintained for that purpose, all information given to him under Section 8 or Section 9 and shall also take steps to inform himself carefully of every birth and of every death, which takes place in his jurisdiction and to ascertain and register the particulars in the register. Under Section 8(1), it shall be the duty of the persons specified therein to give or cause to be given either orally or in writing, within such time as may be prescribed, information to the Registrar of the several particulars required to be entered in the forms prescribed by the State Government under Sub-Section (1) of Section 16.

(iii) Under Section 10, duty has been cast on certain persons specified therein to notify compulsorily births and deaths. Under Section 12, the extracts of registration entries are liable to be furnished to the person furnishing information under Section 8 or Section 9.

(iv) Under Section 13(1), any information relating to any birth or death tendered to the Registrar after the expiry of the period specified there for, within 30 days of its occurrence, shall be registered on payment of such late fee as may be prescribed. Sub-Section (2) of Section 13 makes it obligatory that any delayed information relating to birth or death furnished to the Registrar, after 30 days but within one year of its occurrence, shall be registered only with the written permission of the Prescribed Authority and on payment of prescribed fee and production of an affidavit made before a Notary Public or any other officer authorized in this behalf by the State Government. Sub-Section (3) of Section 13 further makes it clear that any birth or death, which has not been registered within one year of its occurrence, shall be registered only on an order made by a Magistrate of the First Class or a Presidency Magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee. Thus, under Sub-Section (3) of Section 13, if any information relating to the birth of a person is to be recorded after the expiry of one year from the date of occurrence of such birth, such information shall be registered only based upon an order made by a Magistrate.

6. In the instant case, the Application seeking alteration of the Date of birth was submitted by the Writ petitioner before the Sub-Registrar only after 44 years from her Date of birth. At the outset, the Application submitted before the Sub-Registrar, Katpadi, after 44 years from the Date of birth of the Petitioner ought not to have been entertained and the certificate ought not to have been issued without conducting

full-fledged enquiry and verification of relevant documents. Thus, this Court is not in a position to admit the genuinity or otherwise of the Certificate of birth extract issued by the Sub-Registrar in favour of the Writ petitioner. There is no record to vouch for the fact that any Magistrate has issued any such order to enable the Sub-Registrar to enter the information so furnished by the Applicant in the Register maintained by him. Therefore, this Court is of the opinion that the Birth extract produced by the Writ petitioner, which was issued by the office of the Sub-Registrar can be of no avail and it can not be trusted for its correctness.

7. The sheet anchor of the writ petitioner's claim for alteration of date of birth in her service record from 15.10.1968 to 24.01.1970 was based on the birth extract issued by the Sub-registrar, Katpadi. Since, the Court has already brought out supra as to how the extract certificate issued by the sub-registrar, Kadpadi lacks credibility. The Court is of the opinion that the Request of the Writ petitioner to alter her Date of birth in the Service record without securing alteration relating to her scholastic record is not entertainable.

8. This apart, for altering the date of birth which was entered into school records, in which the writ petitioner got a knowledge after a lapse of about 44 years, the same cannot be done and this Court cannot encourage these kind of alterations. In this view of the matter, the Claim of alteration of Date of birth made by the Writ petitioner is rejected. Accordingly, the Writ petition stands dismissed. No Costs.

Sd/-  
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

lbm

To:

1 The Director of School Education,  
DPI Campus,  
College Road, Chennai - 600 006.

2 The Chief Educational Officer,  
Vellore District, Vellore.

+1cc to Mr. G. Sankaran, Advocate in sr.no.73212

W.P. No.16866 of 2014

NR 08/11/2017