

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2017

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 17028 of 2017

Mr.P. Manigandan

..Petitioner

Vs.

1. The Secretary,
Department of School Education,
Secretariat, Chennai - 600 009.
2. The Director of Government
Examinations,
College Road, DPI Campus,
Nungambakkam,
Chennai - 600 006.
3. The Director of School Education,
O/o. The Director of School Education,
College Road, Egmore,
Chennai - 600 006.
4. The District Educational Officer,
O/o The District Educational Officer,
Cuddalore -1.
5. The Headmaster,
St. David's Higher Secondary School,
Cuddalore Port - 607 003
Cuddalore District.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to carry out the correction in respect of the petitioner's age in the SSLC Mark Statement and Transfer Certificate from 15.05.1992 to 04.12.1989.

For Petitioner :: Mr.S. Rajagopal

For Respondents :: Mr.V. Anandhamoorthy,
Addl. Govt. Pleader
for R1 to R4

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the respondents to carry out the correction in respect

of the petitioner's age in the SSLC Mark Statement and Transfer Certificate from 15.05.1992 to 04.12.1989.

2. The petitioner was born on 04.12.1989 in Cuddalore District, Tamilnadu, and the same was registered in the Cuddalore Municipality, Cuddalore District on 08.12.1989 under Registration No.582/1989. The petitioner did his primary schooling in Municipal Elementary School, Cuddalore and then studied upto X Standard in the 5th respondent school. As the petitioner was unable to pursue higher studies, he started working as a daily wage employee. The petitioner's father, by name, K. Panneerselvam, who was working as a Senior Technician in Southern Railway Department, died in harness on 14.07.2016. Therefore, the petitioner applied for appointment on compassionate grounds and consequent thereto, the authorities called the petitioner to produce necessary documents in support of his academic qualification, age proof, etc.. Since there was discrepancy in the date of birth mentioned in the petitioner's school records when compared to the other documents produced by him, namely, Aadhar Card, Ration Card, etc, the petitioner was asked to rectify the same in order to process his claim for appointment on compassionate grounds further. Therefore, as instructed by the school authorities, the petitioner gave a representation on 30.05.2017 enclosing a copy of his birth certificate, to the 2nd and 3rd respondents to make necessary corrections in the school records with regard to his date of birth and issue SSLC Mark Statement and Transfer Certificate incorporating the correct date of birth as 04.12.1989 instead of 15.05.1992. Since no action has been taken, the petitioner has come before this Court by way of this writ petition.

3. Heard Mr.S. Rajagopal, learned counsel for the petitioner and Mr.V. Anandhamoorthy, learned Additional Government Pleader appearing for the respondents.

4. The petitioner is not going to gain anything by rectifying his date of birth as 04.12.1989 instead of 15.05.1992. In fact, only if the date of birth, as it remains, is allowed to continue, the petitioner would be gaining whereas he is asking for correction in his date of birth to an anterior date. Moreover, no prejudice is going to be caused to the respondents by acceding to the request of the petitioner.

5. Hence, taking into consideration the facts and circumstances of the case, respondents 2 and 3 are directed to consider the petitioner's representation dated 30.05.2017 and carry out necessary corrections in the SSLC Mark Statement and Transfer Certificate of the petitioner, with regard to the petitioner's date of birth, within a period of 12 weeks from the date of receipt of a copy of this order and thereafter, the 5th

respondent shall carry out necessary corrections in the school registers. The writ petition is disposed of accordingly. No costs. Connected W.M.P. is closed.

6. The above order passed by this Court cannot be taken as a precedent as it has been passed in the peculiar facts and circumstances of the case.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

nv

To

1. The Secretary,
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Cuddalore -1.
5. The Headmaster,
St. David's Higher Secondary School,
Cuddalore Port - 607 003
Cuddalore District.

+1cc to Government Pleader in sr.no.49408
+1cc to M/s.S.Raja Gopal, Advocate in sr.no.48457

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CP(CO)
NR 17/07/2017