

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-08-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P No.19668 of 2017

J.Jibin

... Petitioner

Vs

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

2.The Director of Government Examinations,
College Road, Chennai- 600 006.

3.The District Educational Officer,
Kuzhithurai, Marthandam Post,
Kanyakumari Dist.

4.The Headmistress,
St. Ephraem's M.S.C Higher Secondary School,
Sooriacode, Vilavancode TK-629 153,
KK Dist.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus to direct respondents 2 - 4 to follow the order issued by the 1st respondent in his proceedings in Na Ka No.28192/M/E3/2014 dated 09.05.2014 and correct the date of birth entry made in the SSLC Mark Statement/Certificate of the petitioner as 28.11.1998 instead of 28.11.1999 as per the proposal submitted by the 4th respondent to the 3rd respondent on 08.06.2017.

For Petitioner : Mr.P.Ebenezer Paul

For Respondents : Mr.V.Anandhamoorthy
Additional Government Pleader
(for R1 to R3)

O R D E R

The petitioner was born on 28.11.1998 and he was admitted in St. Thomas M.S.C. Middle School, Mankuzhi, Kanyakumari District. After completion of 8th standard, the petitioner was admitted in the 4th respondent/school. While getting admission to IX standard, the petitioner gave his date of birth as 28.11.1998.

At the time of SSLC exam, though the petitioner's date of birth was correctly mentioned in the declaration form as 28.11.1998 and the same was also verified by the Headmistress of the 4th respondent school, however, in the S.S.L.C.mark statement issued by the 2nd respondent, the date of birth of the petitioner was wrongly mentioned as 28.11.1999 instead of 28.11.1998. To correct the date of birth as 28.11.1998 instead of 28.11.1999 in the S.S.L.C. Mark Statement, the petitioner gave a representation to the 4th respondent/school and the same was forwarded to the third respondent who has to enquire and make correction. However, the 3rd respondent returned the said proposal by his proceedings dated 13.06.2017 stating that for correction of date of birth entry made in the S.S.L.C. Certificate, after expiry of six months from the date of receipt of the said certificate, orders will have to be obtained from the High Court and thereafter, the same has to be produced before the 1st respondent and only with the recommendation of the 1st respondent, application with original certificate has to be submitted. Moreover, the 1st respondent has issued orders vide his proceedings dated 09.05.2014 to all the District Educational Officers stating that if the mistake in entering the correct date of birth is on the school management or if the date mentioned is not found in the calendar or if a court order is produced after contest, the proposal shall be forwarded to him for correction. According to the petitioner, in his case, since the mistake had been committed either by the 4th respondent school or by the 2nd respondent, in entering the wrong date of birth, respondents 3 and 4 are bound to forward his proposal for correction of date of birth, to the 1st respondent, as per his proceedings dated 09.05.2014 and the action of the 3rd respondent in returning the proposal is illegal. Hence, the present writ petition for the relief afore stated.

2.Heard Mr. P.Ebenezer Paul, learned counsel appearing for the petitioner and Mr.V.Anandhamoorthy, learned Additional Government Pleader appearing for 1st to 3rd respondents.

3.It is evident from the petitioner's birth certificate issued by the Government of Kerala that he was born on 28.11.1998. In his SSLC Examination's declaration form also, he had mentioned his date of birth as 28.11.1998. Besides, Aadhar card and other documents would also reveal the aforesaid date of birth. However, in the SSLC mark statement given to the petitioner, it was wrongly mentioned as 28.11.1999. When abundant evidence by way of documents are available to prove that the petitioner's date of birth is only 28.11.1998, the mistake made by the authorities in entering the date of birth of the petitioner in the SSLC mark sheet as 28.11.1999 has to be corrected. Though the fourth respondent had forwarded the petitioner's application for correction of date of birth to the 3rd respondent, but, the third respondent, by way of

communication dated 13.06.2017, has returned the same stating that the petitioner has to get orders from the High Court for correction in the date of birth. As already observed, the documentary proof shows that the petitioner's date of birth is 28.11.1998 and not 28.11.1999.

5. Therefore, the petitioner is directed to resubmit the application seeking correction of date of birth to the third respondent through the fourth respondent. On receipt of the said application, the third respondent shall forward the same to respondents 1 and 2 with a proposal in consonance with the orders passed by this court within a period of two weeks thereof and thereafter, respondents 1 and 2 shall make correction within a period of four weeks thereof. With the above said directions, this Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

sai

To

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

2.The Director of Government Examinations,
College Road, Chennai- 600 006.

3.The District Educational Officer,
Kuzhithurai, Marthandam Post,
Kanyakumari Dist.

4.The Headmistress,
St. Ephraem's M.S.C Higher Secondary School,
Sooriacode, Vilavancode TK-629 153,
Kanniyakumari District.

+ 1 cc to Mr.P.Ebenezer Paul, Advocate,SR.54862
+ 1 cc to The Govt.Pleader, SR.55046

W.P No.19668 of 2017

VGI(CO)
NR 05/09/2017