

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-03-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P No.28590 of 2016
and WMP No.24665 of 2016

V.Muthubalan

... PETITIONER

Vs

1. The Director of Government Examinations
Department of Government Examinations
E.V.K.Sampath Maligai, Chennai 6

2 The Chief Educational Officer
Office of the Chief Education Officer
Mayiladuthurai,
Nagapattinam

... Respondent

Writ petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the 1st respondent to rectify the petitioners date of birth in all his testimonials inclusive of Secondary School Leaving Certificates dt. 4.6.2012 and 17.8.2012 vide Registration Nos. 0705084 and 1266348 duly issued to him pertaining to his study of X standard under new syllabus duly conducted by the Department of Government Examinations.

For Petitioner : Mr.D.Ashok Kumar

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

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O R D E R

The petitioner has filed this petition seeking writ of mandamus directing the respondent to alter his date of birth in all his testimonials inclusive of Secondary School Leaving Certificates as 10.10.1996 instead of 31.04.1996, reflected in the Educational Certificates.

2. According to the petitioner, he was born on 10.10.1996 as incorporated by the birth certificate issued by Mayiladuthurai Municipality dated 07.05.2014 whereas the school records reflect his date of birth as 31.04.1996.

3. The learned counsel for the petitioner would submit that April contains only 30 days and hence, there is no date as 31.04.1996. Even though Rule 5 of the Secondary School Leaving Certificate Rules speaks about the prohibition with regard to correction of school certificate after passing SSLC examinations, it is a rare case where the date of birth itself has been wrongly shown as a date which is not in existence, namely 31st April. If 31.04.1996 cannot to be considered, then the actual date of birth as reflected in the birth certificate issued by the Municipality namely 10.10.1996 alone has to be considered. Moreover, in the transfer certificate issued by the School, the Head Master of the School had already made corrections as to the date of birth, as early as on 03.02.2015 itself. Therefore, consequently, the respondents are directed to make correction of the date of birth of the petitioner as 10.10.1996 instead of 31.04.1996 and issue fresh certificates to the petitioner.

4. It is made very clear that this order is passed as an exceptional case because the date of birth which is shown in the certificate is the date which is not in existence, viz. 31.04.1996. Therefore, this order cannot be a precedent in any circumstances. Moreover, Rule 5 of the Secondary School Leaving Certificate Rules are binding upon the authorities and any correction in the school certificates have to be made before passing the SSLC examination and it is not possible to do any correction after passing the SSLC examination.

5. In the result, the writ petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rgr

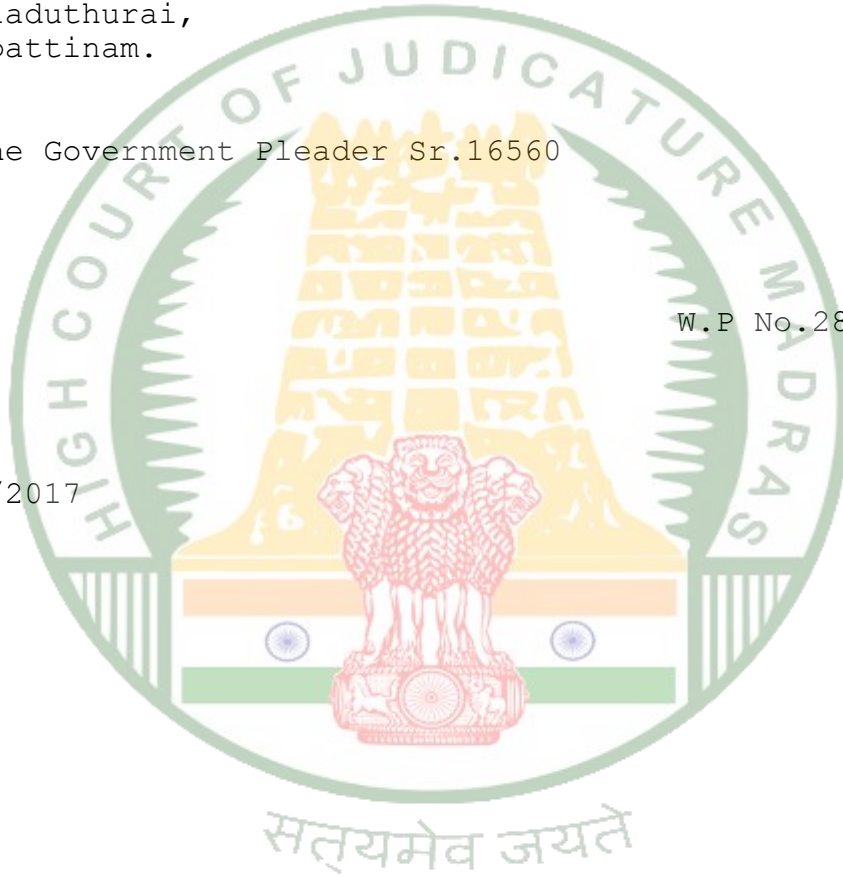
To

1. The Director of Government Examinations
Department of Government Examinations
E.V.K.Sampath Maligai, Chennai 6
- 2 The Chief Educational Officer
Office of the Chief Education Officer
Mayiladuthurai,
Nagapattinam.

+1cc to the Government Pleader Sr.16560

W.P No.28590 of 2016

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srg 03/04/2017



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