

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.35280 of 2016
and W.M.P.No.30392 of 2016

G.Sankar

.. Petitioner

Vs.

1. The Secretary
State Board of School
Examinations (Sec)
Department of Government
Examinations,
DPI Campus, College Road,
Nungambakkam, Chennai 600 006

2. The Head Master
Government High School,
Kodur, Cheyyur Taluk,
Kancheepuram District

3. The Director,
Directorate of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai

(Impleaded as third respondent
as per order dated 10.04.2017 made
in W.M.P.No.9218 of 2017 in W.P.35280/16)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to rectify the petitioner's son's, namely S.Sathish Kumar's, date of birth in Secondary School Leaving Certificates dated 21.05.2015 vide registration No.7011785 duly issued to the petitioner's son pertaining to his study of X Standard duly conducted by the Department of Government Examinations.

For Petitioner : Mr.P.Murali

For Respondents : Mr.V.Anandhamurthy,
Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents herein to rectify the petitioner's son's, namely, S.Sathish Kumar's, date of birth as 09.01.2001 instead of 09.01.2000 in the petitioner's son's Secondary School Leaving Certificate dated 21.05.2015 vide registration No.7011785 within time frame as may be fixed by this Court.

2. It is case of the petitioner that his son, namely, Sathishkumar was admitted in the Government High School, Kodur, the second respondent herein and he has completed Classes from I to X standard in the said School. His date of birth is mentioned as 09.01.2000 at the time of admission due to the petitioner's ignorance and illiteracy. When the petitioner applied for his son's Birth Certificate to the Tahshildar Office Cheyyur, it was found that his son's date of birth is 09.01.2001. Immediately, the petitioner requested the Headmaster of the said School to make correction of the Date of Birth of the petitioner's son in the School records. But, the same was not done so. While so, the petitioner's son had passed in the SSLC examination. After getting the mark statement, the petitioner came to know that his son's Date of Birth is different from the one in transfer certificate. Again, the petitioner made a request to the second respondent-School to make correction in the SSLC mark statement. Subsequently, the second respondent also wrote a letter to the first respondent on 04.08.2015, requesting them to make correction in the SSLC mark statement. But, the first respondent has not considered the said letter and the same has been kept pending. In the meantime, the petitioner's son was admitted in XI Standard without correction of the Date of Birth in the SSLC Certificate. Since the mistake is serious and the same will affect his son's carrier, the petitioner gave representation, dated 20.08.2016 to the first respondent to rectify his son's Date of Birth in the SSLC Mark Sheet. But, till date, the said representation is pending before the first respondent without any progress. Hence, the petitioner has filed this Writ Petition for the above said relief.

3. Heard both sides.

4. As seen from the copy of the Birth Certificate issued by the Municipal authority, it is clear that the petitioner son's date of birth is 09.01.2001. The learned counsel for the petitioner submitted that in an identical case, this Court in W.P.No.6164 of 2016, by order dated 26.02.2016, directed the respondents 1 and 2 therein to conduct enquiry by issuing notice

to the petitioner to produce all original records, namely his Birth extract and other records and pass an appropriate order for effecting the change in the date of birth in the School records by correcting the date of birth, within certain limit. The said direction in W.P.No.6164 of 2016, was issued by this Court based on the earlier identical case in W.P.No.23716 of 2014, dated 03.03.2015, which was based on the another earlier order of the Madurai Bench of this Court in W.P.(MD).No.9340 of 2009, dated 18.09.2012, directing the respondents therein to consider the case of the petitioner therein by issuing notice to the petitioner therein to produce all original records, namely his Birth Extract and other records for effecting the change in the date of birth in the School records by correcting the date of birth and the above exercise was directed to be done by the respondents therein as expeditiously as possible.

5. Following the above said order dated 26.02.2016 passed in W.P.No.6164 of 2016 by this Court, this Writ Petition is disposed of, directing the respondents 1 and 3 to conduct enquiry by issuing notice to the petitioner to produce all original records, namely his Birth extract and other records, and pass an appropriate order for effecting change in the date of birth in the School records by correcting his date of birth as 09.01.2001.

6. It is now stated that the son of the petitioner has been given his XII Standard examination. The above said correction has to be carried out before issuing the mark sheet and other certificates also. The above exercise has to be done by the respondents 1 and 3 within a period of six weeks from the date of receipt of a copy of this order. No costs.

7. With the above observations and directions, the Writ Petition is disposed of. No costs. W.M.P. is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srn

Copy to

1. The Secretary
State Board of School Examinations (Sec)
Department of Government Examinations,
DPI Campus, College Road,
Nungambakkam, Chennai 600 006

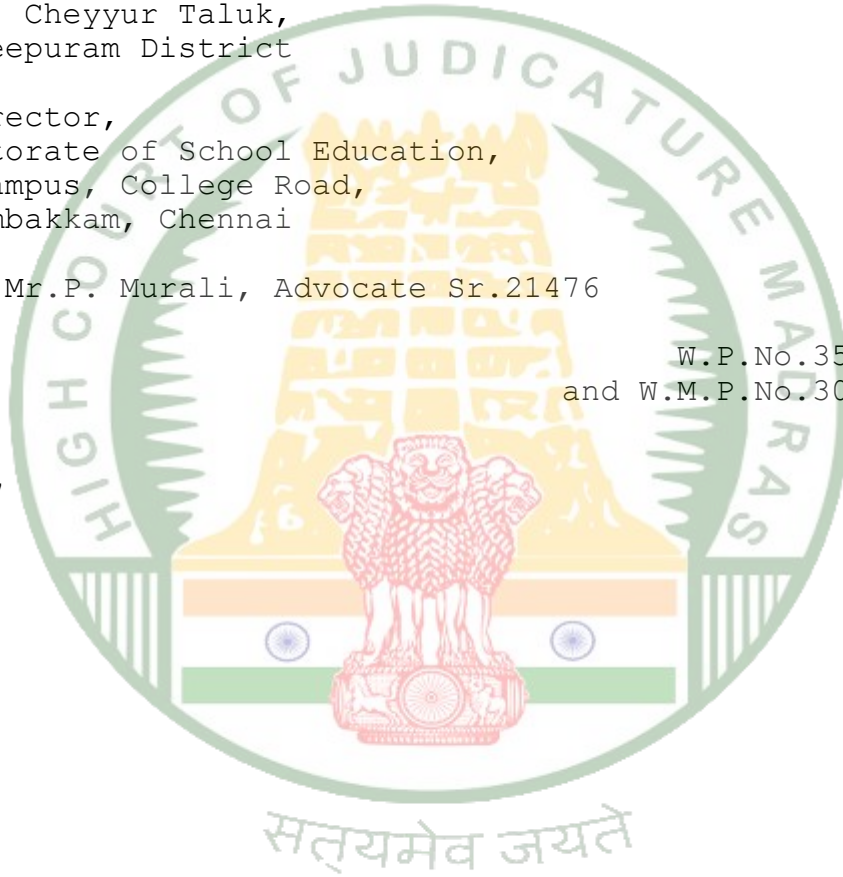
2. The Head Master
Government High School,
Kodur, Cheyyur Taluk,
Kancheepuram District

3. The Director,
Directorate of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai

+ 1 cc to Mr.P. Murali, Advocate Sr.21476

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