



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.06.2017

CORAM

WEB COPY

THE HONOURABLE **DR. JUSTICE G. JAYACHANDRAN**

C.R.P (PD) (MD) No.1135 of 2017

N.Ragavan

.. Petitioner

Vs.

1. The District Educational Officer,
Usilampatti,
Usilampatti Taluk,
Madurai District.

2. Director of School Examination,
DPI Complex,
College Road,
Chennai-600 006.

3. Director of College Education,
DPI Complex,
College Road,
Chennai-600 006.

.. Respondents

Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 13.03.2017 passed in unnumbered plaint O.S.No. Of 2015 on the file of the District Munsif Court, Peraiyur, Madurai District.

For Petitioner : No Appearance

ORDER

There is no representation for both the parties. This revision petition is directed against the order passed by the trial Court rejecting the unnumbered plaint filed for declaration as regards the date of birth of plaintiff and to make necessary entries in the record maintained by the defendants.

2. Relying upon the Judgment of the Hon'ble Supreme Court reported in **AIR 84 SC 340, Kire Singh v. Chana Panwar** and Judgment of this Honourable High Court reported in **2013 (7) MLJ 573, M.Rama Subramanian v. Central Administrative Tribunal**, the trial Court has held that the Civil Court lacks jurisdiction to entertain the matter relating to alteration of date of birth.



3. In T.Rajkumar and another V. The Director of TamilNadu Schools, Education Department, Chennai, this Court has already held that as per Rule 5 of SSLC scheme, application for alteration of date of birth cannot be entertained. A person cannot seek alteration of date of birth in the records after he comes out of the school as there is no relationship between student and the School, thereby the Directorate of School Education becomes *functics officio*.

4. Since the revision petitioner is in Government service any alteration of change of his birth date in his service record will have direct and indirect ramification. Therefore the alteration of date of birth is always subject to the Fundamental Rules governing the service of the revision petition.

5. From the reasons stated above this Court finds no error in rejection of the plaint. This Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

1. The District Munsif Court,
Peraiyur, Madurai District.
2. The District Educational Officer,
Usilampatti,
Usilampatti Taluk,
Madurai District.
3. The Director of School Examination,
DPI Complex,
College Road,
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mrn/mm

AE/SKN RSK/SAR1/30.06.2017/2P/5C

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