



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD)No.4284 of 2017

A.Abin Raja

... Petitioner

Vs.

- 1.The Secretary,
State Board of School Examination,
College Road, Nungambakkam,
Chennai-600006.
- 2.The Director of School Education,
College Road, Nungambakkam,
Chennai-600006.
- 3.The District Education Officer,
Thakkaley,
Kanyakumari District.
- 4.The District Education Officer,
Higher Secondary of School Education,
Nagercoil,
Kanyakumari District.
- 5.The Head Master,
Government Higher Secondary School,
Peruvilai,
Kanyakumari District.
- 6.The Head Master,
SLB Government Higher Secondary School,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 2 to 6 to correct the date of birth of the petitioner in the 10th and Higher Secondary Mark Statements and School Records based on the Birth Certificate of the Petitioner.

For Petitioner	: Mr.S.Saravanakumar
For Respondents	: Mr.A.Muthukaruppan



directing the respondents 2 to 6 to correct the date of birth of the petitioner in the 10th and Higher Secondary Mark Statements and School Records based on the Birth Certificate of the Petitioner.

2. The petitioner is a graduate in B.E., Electrical Engineering and employed in a private company. According to him that his original date of birth is 16.06.1991 and the date is also mentioned in his birth certificate issued by the competent authority. However, instead of 16.06.1991, mistakenly a wrong date was incorporated in the school application form as 17.06.1991. However, the petitioner submits that as far as the University study is concerned, they had followed the date of birth mentioned in the birth certificate and shown the date of birth of the petitioner is 16.06.1991. While matter stood thus, the petitioner had applied for passport in the year 2015 through on -line and thereafter, appeared before the passport authorities with relevant documents. However, the passport authorities rejected the application filed by the petitioner stating that there was wrong entry in respect of the date of birth of the petitioner in the school records. Under such circumstances, the petitioner appears to have submitted a representation to the first respondent on 04.02.2015, requesting for change of date of birth in the 10th mark statement and higher secondary mark statement based on the birth certificate. However, while his request was pending before the first respondent, the petitioner was directed to approach the respondents 2 to 6 for correction of date of birth in the school certificates. In spite of several requests made by the petitioner to get the correct date of birth in the school records, no action has been taken by the respondents. Therefore, the petitioner is constrained to approach this Court seeking the relief as stated supra.

3. In view of the evidence available in support of the claim of the petitioner mainly the birth certificate issued by the competent authority, there need not be any other materials support the case of the petitioner for correction of the date of birth as 16.06.1991 instead of 17.06.1991.

4. In such view of the matter, the respondents 3 to 6 are directed to pass orders on the basis of the entry in the birth certificate produced by the petitioner and issue fresh school certificates to the petitioner to enable him to make use of this to whomsoever it may concern. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. This writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar



To

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6. The Head Master,
SLB Government Higher Secondary School,
Nagercoil,
Kanyakumari District.

+1 CC to MR.S.SARAVANA KUMAR, Advocate, SR No. 14845
+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 15100
AKV
PSM/JC/SAR4/13.04.2017/3P/9C

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