

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.10762 of 2018 and  
W.M.P.No.12707 of 2018

Prethusha  
rep by her guardian Koodalingam

...Petitioner

Vs.

1. The Government of Tamil Nadu  
rep by its Secretary,  
Health and Family Welfare Department,  
Fort St.George, Chennai.
2. The Dean,  
The Government Kilpauk Medical College,  
Chennai - 10.
3. The Police Surgeon & Professor,  
Department of Forensic Medicine,  
Government Kilpauk Medical College,  
Chennai - 10.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified Mandamus calling for the records pertaining to the order dated 20.06.2017 passed by the 3<sup>rd</sup> respondent and to quash the same and consequently direct the 2<sup>nd</sup> respondent to refer the Age Estimation Test of the petitioner to be conducted by a Medical Board of any Government Hospital at Chennai.

For Petitioner : Mr.V.Manoharan

For Respondent : Mr.V.Jayaprakash Narayanan,

Special Government Pleader (R1 & R3)

Mr.K.Karthikeyan, Government Advocate (R2)

O R D E R

This Writ Petition has been filed seeking to quash the order dated 20.06.2017 passed by the 3<sup>rd</sup> respondent and consequently direct the 2<sup>nd</sup> respondent to refer the Age Estimation Test of the petitioner to be conducted by a Medical Board of any Government Hospital at Chennai.

2.The petitioner viz., Prethusha was born on 18.05.2005 as per the Birth Certificate issued by Birth & Death Registrar, Zone VI, Corporation of Chennai, No.2, Dr.Besant Road, Ice House, Chennai - 600 005 dated 31.05.2005. She is a Swimmer and has participated in State Level competitions conducted by the State of Tamil Nadu and has won Gold and Silver Medals. Thereafter, she was selected for National level competition. But due to the age certificate issued by the 3<sup>rd</sup> respondent, showing the age of the petitioner as around 14 years, the petitioner was unable to participate in the competition conducted at Pune during June 2017.

3.The learned counsel appearing for the petitioner submitted that the age of the petitioner has been wrongly given as around 14 years since the Birth Certificate shows the date of birth of the petitioner as 18.05.2005.

4.The learned counsel for the petitioner drawing the notice of this Court to the communication of the Swimming Federation of India dated 29.03.2018, has submitted that the petitioner will be eligible to participate in Swimming - Group II - 13 & 14 years - born in the year 2004 & 2005 competition, since she will be 13 years as on 04.06.2018, the last date for submission of the application.

5.A perusal of the Birth Certificate issued by the Corporation of Chennai on 31.05.2005 clearly shows that the date of birth of the petitioner is 18.05.2005 and on completion of 13 years on 19.05.2018 only, the petitioner will become eligible to participate in the above mentioned Tournament.

6.In view of the above facts, the Writ Petition is disposed of directing the authorities concerned to permit the petitioner to take part in the swimming competitions, either District Level, State Level or National Level. No costs. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते  
s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary,  
Government of Tamil Nadu,  
Health and Family Welfare Department,  
Fort St.George, Chennai.
  - 2.The Dean,  
The Government Kilpauk Medical College,  
Chennai - 10.
  - 3.The Police Surgeon & Professor,  
Department of Forensic Medicine,  
Government Kilpauk Medical College,  
Chennai - 10.
- +1 CC to Mr.C. Muthu Saravanan, Advocate sr 31387.  
+1 CC to The Govt. Pleader sr 31766.

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VD(CO)  
SP(27/04/2018)



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