

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No. 21575 of 2018

K.Sivagurunathan

.. Petitioner

Vs.

1. The Chair Person
Central Board of Secondary Education,
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi 110 092.
2. The Regional Officer,
Central Board of Secondary Education,
Chennai Region,
New No.3, Old No.1630A,
"J" Block, 16th Main Road, Anna Nagar West,
Chennai 600 040

.. Respondents

PRAYER: This Writ petition filed under Article 226 of the Constitution of India praying for Writ of Mandamus directing the respondents to consider the petitioner's representation dated 26.07.2018 and rectify the date of birth as 18.11.1987 instead of 17.11.1987 in the 10th mark sheet vide in No.3213779 issued by the respondents within a time frame.

For Petitioner : Mr. A.Velmurugan

WEB COPY O R D E R

This Writ Petition has been filed seeking a direction to the respondents to consider the petitioner's representation dated 26.07.2018, to rectify his date of birth as 18.11.1987 instead of 17.11.1987 in the 10th mark sheet issued by the respondents vide certificate No.3213779.

2. The case of the petitioner is that he was born on

18.11.1987 at Jayankondam, Ariyalur District, Tamil Nadu and had completed his 10th standard in CBSE Board in the year 2004 and a diploma course in the year 2007. The petitioner states that his date of birth has been wrongly mentioned in the 10th mark certificate and school records, on the basis of a wrong declaration given by his parents, at the time of admission into the School. He also produced his birth certificate issued by Jayankondam Selection Grade Town Panchayat on 13.06.1991, before this Court. The petitioner has given a representation on 26.07.2018 to the respondents to rectify his date of birth as 18.11.1987 instead of 17.11.1987 in the 10th mark sheet issued by the Board, but, the same was not considered by the respondents so far. Hence, the present Writ Petition has been filed.

3. Heard Mr.A.Velmurugan, the learned counsel for the petitioner and perused the materials available on record.

4. The learned counsel for the petitioner has relied upon the following judgements of this Court:

(i) CDJ 2012 MHC 6527 : 2015(1) CWC 243 (Madurai Bench) [S.Rajesh Kumar -vs- The Secretary, Board of Higher Secondary Education, Department of Government Examinations and others]

(ii) W.P.No.13663 of 2015 dated 12.01.2018 [Minor T.Sowparniga, Rep by her father and natural guardian, M.Thulasiraman -vs- The Director of School Education, DPI Campus, College Road, Nungambakkam, Chennai 600 006 and two others] and

(iii) W.P.No.17800 of 2017 [M.Manimaran -vs- The Chairman, Central Board of Secondary Education (CBSE), New Delhi 110 092 and two others].

In the above cited judgements, this Court has directed the authorities to consider the representation of the students concerned, for effecting change of date of birth in the school records on the basis of the authenticated birth certificate issued to the petitioner.

5. Having regard to the limited scope of prayer sought for in this writ petition and without going into the merits of the case, the respondents are directed to consider the representation of the petitioner dated 26.07.2018, on the basis of the birth certificate and other evidence produced by the petitioner and make necessary changes in the date of birth in the 10th Mark Sheet issued by the respondents, in accordance with law, within a period of four weeks from the date of receipt of copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(Audit)

//True copy//

Sub Assistant Registrar

srn

To

1. The Chair Person
Central Board of Secondary Education,
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi 110 092.
2. The Regional Officer,
Central Board of Secondary Education,
Chennai Region,
New No.3, Old No.1630A,
"J" Block, 16th Main Road, Anna Nagar West,
Chennai 600 040

+1cc to Mr.M. Suresh, Advocate SR.No.57462

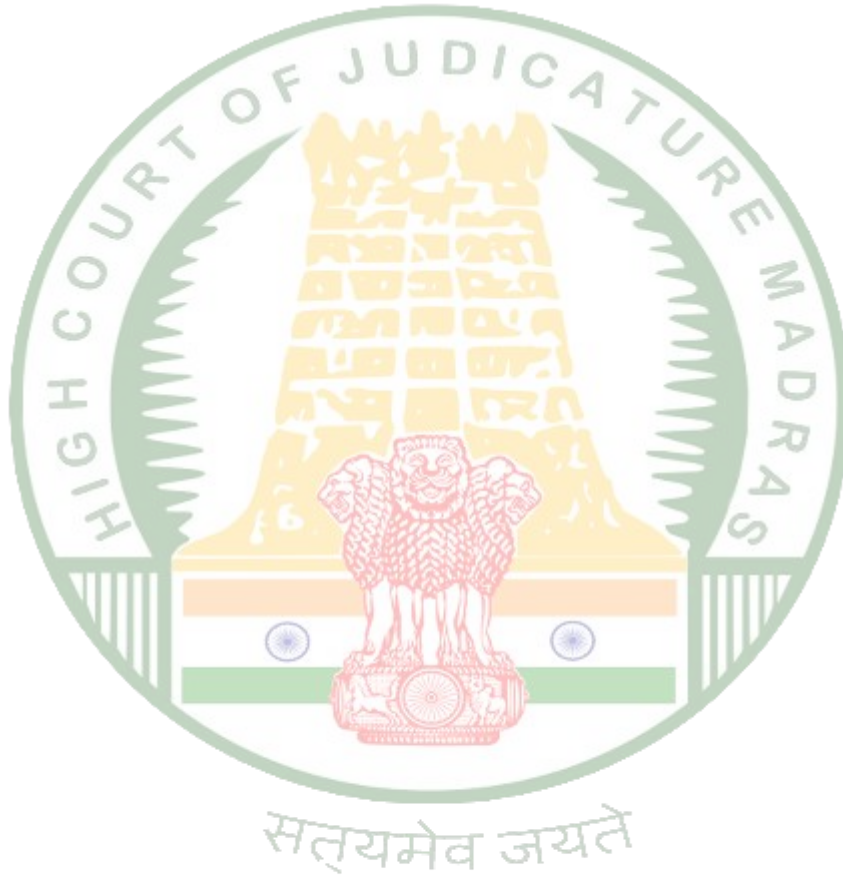
+1cc to Government Pleader SR.No.57920

W.P.No. 21575 of 2018

GMV (12/09/2018)

WEB COPY

23.08.2018



WEB COPY