

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2018
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.22008 of 2015

S.Dhanashekar

... Petitioner

Vs

1.Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

2.Director of Government Examinations,
DPI Campus, College Road,
Chennai - 600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.26372/M/E-3/2015 dated 13.04.2015 and quash the same and consequently direct the respondents to alter the date of birth from 29.05.1997 to 29.05.1998 in the School records (12th Standard).

For Petitioner : Mr.A.S.Baalaji

For Respondents : Mr.C.Munusamy, SGP (Edn)

ORDER

The petitioner seeks quashing of the order dated 13.04.2015 passed by the first respondent, vide which, the application for correction of the date of birth of the petitioner's son by name, D.Hariharan, in his school certificate, has been rejected.

2.The case of the petitioner is that due to inadvertent mistake, the date of birth of his son has been wrongly mentioned in the Secondary School Leaving Certificate as well as in the Higher Secondary Course certificate as 29.05.1997, instead of 29.05.1998. For rectifying the said mistake, he submitted an application to the school authorities, who, in turn, forwarded the same to the first respondent. However, by the order impugned in this writ petition, the said application has been rejected.

3.The learned counsel for the petitioner submitted that the claim of the petitioner is based on the birth certificate issued

by the competent authority. According to him, the birth certificate is a public record and the same must prevail over the certificates issued by the school authorities. However, without considering the same, the first respondent has rejected the claim of the petitioner.

4.To buttress the reasons stated in the order impugned in this writ petition, the learned Special Government Pleader (Education) for the respondents submitted that declining the prayer of the petitioner by the respondents, cannot be found fault with.

5.This Court considered the submissions made by the learned counsel appearing for the parties and perused the documents filed in the typed set of papers along with this writ petition, more particularly, the birth certificate of the petitioner's son issued by the competent authority.

6.It is evident from the birth certificate issued by the Tambaram Municipality that the petitioner's son D.Hariharan was born on 29.05.1998, whereas, it has been wrongly mentioned as 29.05.1997 in the SSLC as well as HSC certificates, due to oversight. When the petitioner requested to make necessary correction in those certificates by producing the documentary evidence, the respondents have not considered the said request and ultimately, rejected the same.

7.This Court is of the opinion that the certificate issued by the school authorities either at the SSLC examination or at the Higher Secondary Level Examination mentioning the date of birth of the student is invariably accepted as valuable piece of evidence in proof of the date of birth and age of that student throughout his career ahead. As such, the son of the petitioner cannot be made to suffer, for the mistake committed by the school authorities. Therefore, this Court is inclined to set aside the order impugned in this writ petition. Accordingly, the order dated 13.04.2015 passed by the first respondent is set aside.

8.At this juncture, the learned Special Government Pleader appearing for the respondents submitted that the petitioner may be directed to approach the respondents with a fresh representation enclosing the necessary documents, for alteration of date of birth of his son and on such approach, it may be considered by the respondents.

9.In view of the above submission, the petitioner is directed to submit a fresh representation enclosing the necessary documents with regard to alteration of date of birth

of his son in the school certificates, to the respondents within a period of two weeks from the date of receipt of a copy of this order. On such submission, the respondents are directed to consider the same, in the light of the documents produced by him and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of four weeks thereafter.

10.The writ petition is ordered accordingly. No costs.

Sd

DEPUTY REGISTRAR

TRUE COPY

SUB ASSISTANT REGISTRAR

To

1. Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.

2. Director of Government Examinations,
DPI Campus,
College Road,
Chennai - 600 006.

1CC TO MR. A.S. BAALAJI, ADVOCATE SR.NO. 14091

W.P.No.22008 of 2015

DM

17 APRIL 2018

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