



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.[MD]No.17655 of 2018

C.Janaki

: Petitioner

Vs.

1. The Secretary,
Tamil Nadu Education Department,
Secretariat, Fort St. George,
Chennai.
2. The Director of School Education,
Department of School Education,
DPI Campus, College Road,
Nungambakkam,
Chennai - 6.
3. The Principal,
St.Joseph's Girls Higher Secondary School,
Ponmalaipatti,
Trichy-4.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 04.07.2018 to alter the petitioner's date of birth as 30.11.1985 instead of 24.05.1984 and further direct the second respondent to make correction in the secondary school cumulative record book and SSLC Certificate and other educational qualification certificates.

For Petitioner : Mr.T.Lenin Kumar

For Respondents 1&2 : Mrs.S.Srimathy

Special Government Pleader

O R D E R

The case of the petitioner is that she was born on 30.11.1985 and the said date has been entered correctly in the birth certificate maintained by the public authority. However, at the time when she was admitted in the school, her parents have inadvertently given her date of birth as 24.05.1984. The mistake



had happened because the said date of birth was was her brother's, who was born on 24.05.1994. In view of the mistaken entry made in the school register, the same date of birth has been incorporated in the SSLC certificate and higher secondary school certificate wherein, the incorrect date of birth was reflected.

WEB COPY

2.The petitioner, in order to rectify the mistake crept in the school certificates submitted her representation dated 04.07.2018, to the second respondent and requested him to correct the date of birth as 30.11.1985, which is reflected in the birth certificate maintained by the public authority. Since, no action is forthcoming, the petitioner is before this Court seeking issuance of writ of mandamus to correct her date of birth.

3.When the matter is taken up for hearing, it is brought to the notice of this Court that under similar circumstances, a learned Judge of this Court in **S.Rajesh Kumar Vs. The Secretary, Board of Higher Secondary Education, Government Examinations, Madras - 6**, reported in **2015 (1) CWC 243**, allowed the writ petition and directed the authorities concerned to rectify the mistake which crept in the school certificates.

4.In fact, in the said writ petition, there was an objection raised that once a student leaves the school, he cannot seek to correct certain entries made in the school records. Such contention was repulsed by the learned Judge and he directed the authorities to correct it by making some observations in paragraph 29 of the judgment which is re-produced below:

"29.Subsidiary Rule 5 of the Secondary School Leaving Certificate scheme, relied on by the respondents to contend that the Application for alteration in the Date of Birth will not be entertained after a pupil had completed his course or appeared for the S.S.L.C. Public examination also is much earlier to the advent of the Registration of Births and Deaths Act, 1969 and the Rules framed thereunder. Needless to say that the provisions of any Central Act, will prevail over the State Act or the Rules or Regulations, framed by the latter, on the same subject. When the statutory provisions stated supra, enable the Competent Authorities under the Registration of Births and Deaths Act, 1969, to make correction or cancellation as the case may be, the contention of the Respondents that no alteration is permissible in the School records, after the student leaves the Secondary Education cannot be countenanced."

5.In the above decision, the learned Judge further held that there cannot be different entries in public records maintained by



different authorities and the entries should be maintained uniformly. Since the date of birth has been correctly entered in the birth certificate, the same has to be carried out in all other certificates.

6. The above decision squarely applies to the present case. Hence, the writ petition is allowed and there shall be a direction to the second respondent to correct the date of birth of the petitioner in the school records as 30.11.1985 instead of 24.05.1984. The said direction shall be complied with by the second respondent or the competent authority within a period of eight [8] weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands allowed, accordingly. No costs.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Secretary,
Tamil Nadu Education Department,
Secretariat, Fort St. George,
Chennai.
2. The Director of School Education,
Department of School Education,
DPI Campus, College Road,
Nungambakkam,
Chennai - 6.

+ 1 CC TO Mr.T.LENIN KUMAR, ADVOCATE IN SR No. 90552
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 90431

MR
TE/SV/SAR-4 : 14/11/2018 : 3P/5C

W.P.[MD]No.17655 of 2018

11.10.2018