



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2018

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.20531 of 2018

G.Kaliamoorthy

.. Petitioner

Vs.

1. The Director of Social Welfare,
Nutritious Meal Programme,
Chennai.

2. The District Collector,
Trichy District.

3. The Commissioner,
Anthanalur Panchayat Union,
Trichy.

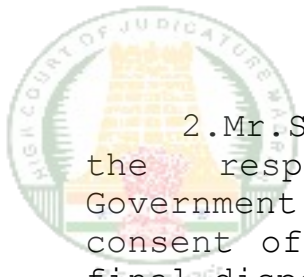
.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records relating to the impugned order of the third respondent in A7/1599/2018, dated 23.7.2018 and to quash the same and consequently to direct the respondents herein to consider the birth certificate of the Petitioner dated 28.09.2011 and make suitable entry into the Service Register of the Petitioner for all the purposes.

For Petitioner	:	Mr.P.Krishnasamy
For Respondents	:	Mr.S.Dhayalan
1 and 2		Government Advocate
For Respondent-3	:	Mr.R.Murugan
		Addl.Govt.Pleader

O R D E R

The Petitioner has come forward with this Writ Petition seeking to quash the impugned order of the third respondent in A7/1599/2018, dated 23.7.2018 and consequently to direct the respondents herein to consider the birth certificate of the Petitioner, dated 28.09.2011 and make suitable entry into the Service Register of the Petitioner for all the purposes.



2.Mr.S.Dhayalan learned Government Advocate takes notice for the respondents 1 and 2 and Mr.R.Murugan, learned Additional Government Pleader takes notice for the third respondent. By consent of both parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

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3.The Petitioner has contended that he was born on 11.4.1959 and in the school records, it has been mentioned as 15.7.1958. The Petitioner has stated that if the date of birth is altered as 11.4.1959, he will get 9 months of service and action of the respondents to superannuate the Petitioner on 31.7.2018 is bad.

4.The respondents would contend that the Petitioner has joined service on 1.2.1983 and based on the date of birth in the school certificate, he was provided with Job. At no point of time, the Petitioner has not taken any steps to change the date of birth. The Petitioner could have made it within five years particularly from the date of joining the service. After 35 years of service and after retirement from service, the Petitioner has now filed the present Writ Petition.

5.The Petitioner has produced a Government Gazette, wherein his date of birth is mentioned as 15.7.1958 and he has changed the name from Kaliamoorthy to Kaliaperumal. In the declaration given, the date of birth is given as 15.7.1959. Administration will have take into account the School Certificate for the purpose of providing employment. If for any reason the date of birth is altered from 11.4.1959 to 15.7.1958, then the entire qualification obtained by the Petitioner is not valid in the eye of law and he is deemed to be not qualified at all, for the job.

6.This Court in while dealing with similar matter in W.P.No.10641 of 2016,held as follows:

"4. As per Rule 5 of the Secondary School Leaving Certificate Rules, any correction in the Date of Birth, Name or initial has to be made before completing the SSLC Examination. Therefore, the respondent has got no jurisdiction to make correction in the SSLC and HSC mark list. Though the petitioner contends that he was born on 16.01.1992 and his parents have wrongly given his date of birth as 19.01.1989 at the time of admission in the school, based on the statement of the petitioner, the Criminal Court has passed an order in CrI.MP.No.1992 of 2010 on 04.06.2010 directing the Board to issue birth certificate as if he was born on 16.01.1992. No enquiry has been conducted by the Criminal Court and the only evidence available before the Criminal Court was the statement made by the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The Criminal Court has got no jurisdiction to direct the Board to issue such certificate. If that is



going to be encouraged, anybody could approach the Criminal Court and correct the date of birth according to his/her convenience. This kind of issuing certificate has been discouraged by this Court. Other than the Criminal Court order, there is no records available to correct the date of birth of the petitioner as 16.1.1992. Even otherwise, Rule 5 of the secondary School Leaving Certificate is a bar for making correction in the School records. Therefore, the prayer sought for by the Petitioner cannot be granted to the Petitioner.

6. In the result., this Writ Petition is dismissed.

7. In view of the above decision, this Court finds no merit in the Writ Petition and accordingly, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS-II)

To:

1. The Director of Social Welfare,
Nutritious Meal Programme,
Chennai.
2. The District Collector,
Trichy District.
3. The Commissioner,
Anthanalur Panchayat Union,
Trichy.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 87294
+ 1 CC TO Mr.P.KRISHNASAMY, ADVOCATE IN SR No. 87395

VSN
TE/SV/SAR-2 : 23/11/2018 : 3P/6C

W.P. (MD) No.20531 of 2018
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