

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :22.10.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.27341 of 2019

M.Ramesh

.. Petitioner

/versus/

1.The Director of School Education,
D.P.I.Complex,
No.17, College Road,
Nungambakkam, Chennai 600 006.

2.The District Education Officer,
(Chennai North Zone),
Ambedkar Govt.Higher Secondary School,
Egmore, Chennai 600 008.

3.The Zonal Deputy Director,
Directorate of Government Examiantions,
Nungambakkam, Chennai 600 006.

4.The Head Master,
Govt.Adi Dravida Higher Secondary School,
Kannigapuram, Chennai 600 012.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other appropriate writ or directions in the nature of writ to dispose of the petitioner's representation dated 13.06.2019 to seeking to rectify the year of birth in petitioner school final mark sheets as 27.03.1985 instead of 27.03.1984 pending before the respondents dated 13.06.2019.

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For Petitioner :Mr.M.Madhan Kumar
For Respondents :Ms.V.Anna Lakshmi, GA
for R1 to R4

O R D E R

This Writ Petition has been filed praying to issue a Writ of Mandamus to dispose of the petitioner's representation dated 13.06.2019 seeking to rectify the year of birth in petitioner school final mark sheets as 27.03.1985 instead of 27.03.1984 pending before the respondents dated 13.06.2019.

2. The petitioner herein has given his date of birth as 27.03.1984 in his School record, which is reflected in his 10th and 12th mark sheets. Now, he has come to know that his parents has given a wrong date of birth and his actual date of birth is 27.03.1985 and not 27.03.1984. In support of his claim, he has enclosed Birth Certificate issued by the Corporation of Chennai reflecting his date of birth as 27.03.1985, which was registered before the Corporation of Chennai as early as 30.03.1985. When he has given a representation dated 13.06.2019 to the 2nd respondent along with the birth certificate, the same was received by the 2nd respondent but no order is passed. Hence, the present writ petition is filed seeking Mandamus to direct the respondents to consider the representation of the petitioner 13.06.2019.

3. The 2nd respondent has filed a detailed counter wherein it is stated that as per the Rule 5 of SSLC Scheme, once the date of birth is recorded in the register and the candidate completed SSLC and HSC, there shall be no alteration in the date of birth already entered in the marksheets. Further, it is contended by the learned Government Advocate appearing for respondents 1 to 4 that the petitioner has given an undertaking while furnishing the details to the 2nd respondent that in future at any point of time he will not seek for alteration of the date of birth. While so, after 23 years, the petitioner has come with an application to alter his date of birth, which cannot be entertained in the light of the Rule 5 of the SSLC Scheme.

4. The learned Government Advocate appearing for the respondents would also rely upon the judgment of this Court rendered in W.P.No.10641/2016 dated 15.03.2017 wherein this Court has declined to entertain the writ petition seeking correction in the date of birth of the petitioner, in the light of the Rule 5 of SSLC Scheme.

5. Rule 5 of SSLC Scheme reads as below:

"The Inspecting Officers are, however competent to allow change of date of birth of pupil in S.S.L.C.'s for valid reasons supported by satisfactory documentary evidence during their high school course with reference to paragraph 5 above. Subject to these conditions, Inspecting Officers may sanction alterations in the date of birth but must do so only after satisfying themselves by requiring the production of clearest evidence that the date as already entered in the certificate is in correct and that one proposed to be inserted in correct. Applications for alterations in the date of birth will not be entertained after a pupil has completed his school course and appeared for the S.S.L.C. Public Examination."

6. This Rule enables the inspecting authority to alter the date of birth provided such application is made with all necessary documents to substantiate the claim and made before the completion of the School course and appearing for the SSLC Public Examination. But in some cases, when the parents are illiterate or for some other reasons, the real date of birth could not be ascertained by the candidate immediately, there may be some delay. In such case, the curative application cannot be denied on the ground of laches, just because cause the candidate has completed the HSC course. If the claim is genuine and supported by the relevant documents, the authority shall consider the same dehors of the fact that the application is made belatedly.

7. As far as the judgment cited by the learned Government Advocate supporting the claim of the respondents declining the request of the petitioner is concerned, the fact in that case is that the petitioner has relied upon the order passed by the criminal Court declaring the petitioner's date of birth. Therefore, in that case the Court has rightly held that the order of the civil Court declaring the date of birth cannot be considered as a full proof evidence to alter the date of birth in the official record.

8. Whereas the case of the petitioner is that his date of birth has been registered within a week from his date of birth and the same is reflected in the certificate issued by the Corporation of Chennai. Unless and until, any suspicious over the document, the request of the petitioner need not be thrown out at the threshold on the ground of laches.

9. Hence, the 2nd respondent herein is hereby directed to consider the representation of the petitioner dated 13.06.2019 seeking alteration of the date of birth entered in the 10th and 12th mark sheets. If the second respondent satisfies with the documents produced by the petitioner, necessary alteration shall be made, otherwise that application may be rejected citing reasons.

10. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To:

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+1 cc to M/s.M.Madhankumar Advocate sr88656
+1 cc to the Government Pleader High Court, Madras
sr88762

W.P.No.27341 of 2019

aa22/11/2019



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