



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.10.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.28636 of 2019

P.Renuga Devi,
D/o.Late Palanisamy,
No.115, 3A, Kymaran Nagar,
Hostel Road, Vaguapalayam,
Palladam, Tiruppur District - 641 664. Petitioner

/versus/

1. The Government of Tamil Nadu,
Rep. by Principal Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai - 600 009.
2. The Director,
Directorate of School Education,
DPI Complex, College Road,
Chennai - 600 006. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents herein to change the petitioner date of birth as 12.07.1989 instead of 12.07.1988 in the Birth certificate and pass appropriate orders.

For Petitioner : Mr.B.Ramamoorthy

For R1 : Mr.S.Suresh Kumar,
Government Advocate

For R2 : Mrs.V.Annalakshmi,
Government Advocate

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents 1 & 2.

2. The peculiar case of the petitioner herein is that, though she was born on 12.07.1989 and duly registered on 19.07.1989 before the Sub Registrar, Birth and Death Registration, soon after her birth, while joining the school and furnishing details to the School Educational Authorities, the petitioner's parents have inadvertently changed the year of birth as 1988 instead of 1989. His inadvertent entry in the school records, had come to her knowledge only recently hence she gave representation to the authorities to correct the entries regarding her Date of Birth from 12.07.1988 to 12.07.1989 since her representation to Secretary, Higher Education, dated 15.04.2019 not been so far considered. Hence, the present Writ Petition is filed seeking direction to the 2nd respondent to correct the date of birth as 12.07.1989 in her S.S.L.C mark sheet and H.S.C mark sheet.

3. The Learned Government Advocate appearing for the respondents would submit that, 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 S.S.L.C examination. In this case, the petitioner has completed her S.S.L.C during the month of March - 2003, therefore, her request for change of Date of Birth cannot be entertained.

4. In support of her submission, unreported judgment of this Court in W.P.No.10641 of 2016, dated 15.03.2017 B.Karunakaran Vs. The Secretary, State Board of School Examination and others, was cited. In the earlier occasion when a similar issue came up before this Court, this Court distinguished the above judgment cited by the Additional Government Pleader on facts, since in that case, the petitioner relied on the Date of Birth certificate issued pursuant to the order passed by the Judicial Magistrate, based on the application filed by the concerned party.

5. Contrary to the facts of the case relied by the Additional Government Pleader, in this case, the Birth of the petitioner was duly reported to the authorities and within a period of 7 days, her birth was duly registered under Section 12 of Births and Deaths Registration Act, 1959. However, in the School records instead of mentioning her Date of Birth as

12.07.1989 recorded as 12.07.1988.

6. The Education Department G.O.Ms.No.719 of 2014, dated 20.04.1976, enables correction of Date of Birth in the S.S.L.C book under certain circumstances. As per this Government Order any person who ceased to be a students and made a request for alternation of the Date of Birth in the S.S.L.C book, the applicant should establish that entry made was obviously an absurd entry or in alternate the applicant should get a direction from the Civil Court for seeking correction.

7. The case of the petitioner is that, though on the face of the record, it is not an absurd entry, the Birth certificate issued by the concerned authorities indicates that the petitioner was born on 12.07.1989. However, in the S.S.L.C and H.S.C Mark sheets, the Date of Birth is recorded as 12.07.1988. The error in the Date of Birth has to be attributed to the inadvertence of the parents and the petitioner. But then, when the records clearly indicates her true Date of Birth as 12.07.1989, it is unnecessary to force the petitioner to approach Civil Court and get a decree to that effect. Exercising under Article 226 of the Constitution, this Court direct the 2nd respondent to consider the representation of the petitioner, dated 15.04.2019 and based on the Birth certificate issued by the competent authority, necessary alteration shall be done in the school records, within a period of four weeks, from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Asst.Registrar (Insp Cell)

/true copy/

Sub Asst. Registrar

bsm

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To,

1. The Principal Secretary to Government,
The Government of Tamil Nadu,
Higher Education Department,
Fort St.George,
Chennai - 600 009.

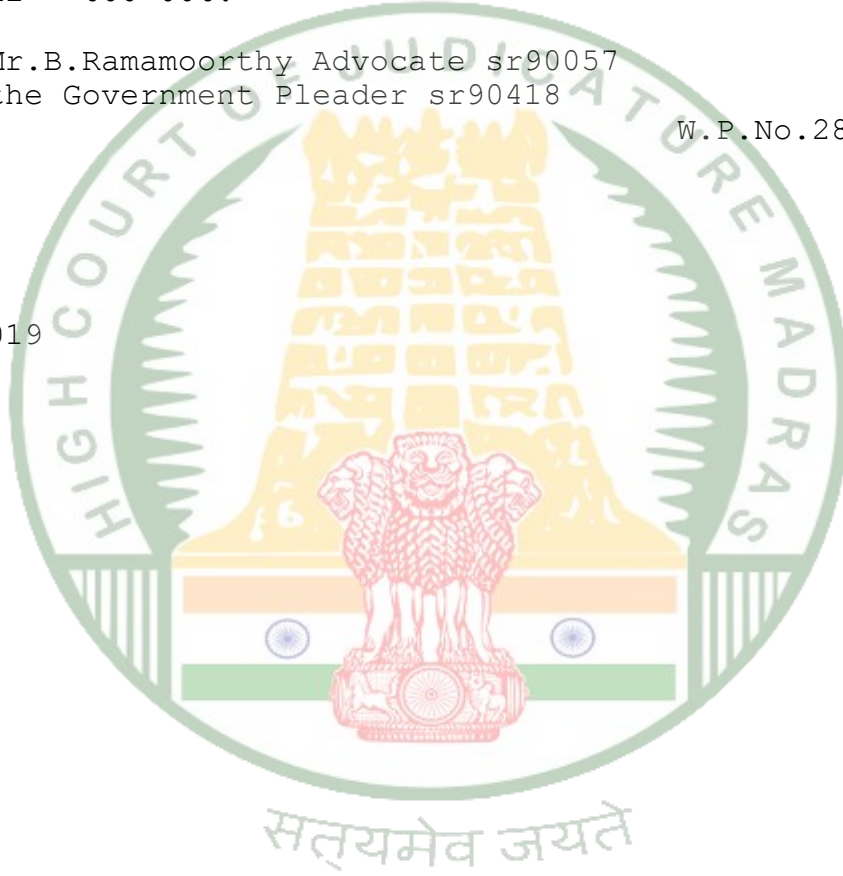
2. The Director,
Directorate of School Education,
DPI Complex, College Road,
Chennai - 600 006.

+1 cc to Mr.B.Ramamoorthy Advocate sr90057

+1 cc to the Government Pleader sr90418

W.P.No.28636 of 2019

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