



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.15490 of 2020

P.Jeyachandran

... Petitioner

-Vs-

1.The Director of School Education Department,
DPI Complex, College Road,
Chennai-600 006.

2.The District Educational Officer,
Madurai District, Tallakulam,
Madurai-625 002.

3.The Head Master,
Union Christian Higher Secondary School,
Nethaji Road, Near Kattabomman Statue,
Periyar Bus Stand, Madurai-625 001.

4.The Commissioner,
Madurai Corporation, Madurai-625 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the first respondent to make necessary amendment in the petitioner's date of birth as 23.09.1963 instead of 06.06.1960 in the petitioner's SSLC Marks Statement bearing No.A000198, dated 18.05.1976 and Transfer Certificate (T.C.) of the third respondent School on the basis of the petitioner's Birth Certificate dated 26.09.1963 issued by the fourth respondent by considering the petitioner's representation dated 08.10.2020 within the time stipulated by this Court.

For Petitioner : Mr.J.Lawrance
For R1 to R3 : Ms.Lakshmi Prasanna
Government Advocate.

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the first respondent to make necessary amendment in the petitioner's date of birth as 23.09.1963 instead of 06.06.1960 in the petitioner's SSLC Marks Statement bearing No.A000198, dated 18.05.1976 and Transfer Certificate (T.C.) of the third respondent School on the basis of the petitioner's Birth



Certificate dated 26.09.1963 issued by the fourth respondent by considering the petitioner's representation dated 08.10.2020 within the time stipulated by this Court.

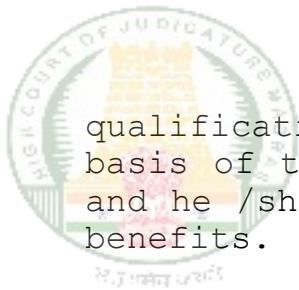
2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Ms. Lakshmi Prasanna, learned Government Advocate accepts notice on behalf of the respondents 1 to 3. Since no adverse order is going to be passed against the 4th respondent, notice to the 4th respondent is dispensed with.

4. According to the petitioner, at the time of his admission in the Primary School, his parents had inadvertently given his date of birth as 06.06.1960. After completion of 5th standard, he joined in the third respondent School and his Secondary School Leaving Certificate (SSLC) bearing No.A000198 issued by the first respondent on 18.05.1976 and Transfer Certificate carry his date of birth as 06.06.1960. Later, he came to know that his original date of birth is 23.09.1963 and his birth was duly registered with the fourth respondent Corporation on 26.09.1963. Therefore, he applied for Birth Certificate. Thereafter, he has sent a representation dated 08.10.2020 to effect the actual date of birth as 23.09.1963 instead of 06.06.1960 in his SSLC and Transfer Certificate to the respondents 1 to 3. Since no effective steps have been taken in this regard, the petitioner has approached this Court, seeking aforesaid prayer.

5. This Court is of the considered view that now the petitioner has crossed 60 years based on his date of birth, namely, 06.06.1960. Now, after several decades, he wants to change his date of birth as 23.09.1963. According to the petitioner, school record shows his date of birth as 06.06.1960, whereas Birth Certificate issued by the fourth respondent Corporation shows as 23.09.1963. Now a days almost all persons have two date of births and the request of alteration of date of birth after joining government service is mushrooming on the very safe ground that the parents had furnished the wrong date of birth at the time of school admission during childhood. Though there is no much harm in having two date of births, the actual date of birth must be disclosed at least for marriage purposes so as to avoid difference of opinion /suppression of facts to the better half in future.

6. The Date of birth entered in corporation record or municipality etc., may be correct. But the date of birth given to the school alone has to be taken into account for schooling, employment etc. If the alteration of date of birth is considered suitably based on the records found in Corporation/Municipality and later if it is found that upon consideration the person seeking such alteration was not eligible to be admitted in the School, entire



qualification would become invalid and appointment secured on the basis of the said qualification would be non est in the eye of law and he /she can be removed from service without giving any terminal benefits.

7. In this case, the petitioner who is 60 years old seeks for correction of his date of birth for the reasons best known to him, without disclosing the fact as to what for such correction is required at this distraught point of time. Of course, such plea cannot be entertained at the stage and if it is allowed, then everybody will knock the doors of this Court with similar request in one way or the other after several decades.

8. Hence, finding no merits in the petition, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Myr

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Director of School Education Department,
DPI Complex, College Road, Chennai-600 006.
- 2.The District Educational Officer,
Madurai District, Tallakulam, Madurai-625 002.
- 3.The Head Master,
Union Christian Higher Secondary School,
Nethaji Road, Near Kattabomman Statue,
Periyar Bus Stand, Madurai-625 001.

+1 CC to Mr.J.LAWRANCE, Advocate SR.No. 21402

Order made in

W.P. (MD)No.15490 of 2020

06.11.2020

SSS(CO)

TR(06.01.2021) 3P 5C

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