



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.13868 of 2011

A.P.Venkatesan

... Petitioner

Vs.

The Tashildar and Registrar of
Birth and Death
Gingee, Gingee Taluk,
Tiruvannamalai District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to correct or cancel of entry of Date of Birth of the petitioner as 30.05.1985 in the Birth Certificate issued by the respondent as per the School Certificate issued to the petitioner.

For Petitioner : Mr.R.Karunakaran

For Respondent : Mr.C.Selvaraj
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is to correct or cancel of entry of Date of Birth of the petitioner as 30.05.1985 in the Birth Certificate issued by the respondent as per the School Certificate issued to petitioner.

2. The petitioner claims alternation of Date of Birth based on the school certificate issued to him. The learned counsel for the petitioner states that the birth certificate was obtained belatedly by the petitioner. However, the entry in the birth register was made at the time of birth of the petitioner.



3. Therefore, there is a possibility of mis-representation in respect of the actual Date of Birth. No reason has been stated while there is an enormous delay in getting the birth certificate as the birth certificates are to be obtained within a reasonable period from the birth of the child. The school certificates were issued after the completion of school studies and thereafter the petitioner had obtained the birth certificate which seems to be disadvantageous to him.

4. In such circumstances, this Court cannot correct Date of Birth by issuing a direction in the writ proceedings. The correctness and genuinity of the Date of Birth has to be established through documents and the evidence by the petitioner. Therefore, the petitioner has to approach the competent authorities / competent forums for the purpose of adjudication of the issue with reference to the documents and evidences. Merely based on the affidavit and school records, the Date of Birth cannot be altered in a writ proceedings under Article 226 of the Constitution of India. The Date of Birth in the school records are mostly based on the information provided by the parents or otherwise.

5. In the present case, the petitioner has obtained the birth certificate only after the completion of school studies and therefore there is a doubt in respect of Date of Birth entered into in the School Register. All these factors are to be adjudicated with reference to the documents and evidence.

6. Thus, the petitioner is at liberty to approach the competent authority or competent Court of law for the purpose of adjudicating the issue. With these observations, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

shr/Kan

To

The Tashildar and Registrar of
Birth and Death
Gingee, Gingee Taluk,
Tiruvannamalai District.



+1cc to Mr.R.Karunagaran, Advocate SR.No.59347

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PL (CO)
CB (02/12/2021)