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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 18738 of 2021

D.Prasanth

.. Petitioner

Versus

1. The District Educational Officer
Sriperumbadhur
Kanceepuram District
2. The Director of School Education
DPI Campus, College Road
Chennai.
3. The Head Master
Sekkizhar Government Boys Higher Secondary School
Kundrathur, Chennai 600 069.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to Na.Ka.No.2025/A3/2020 dated 24.02.2021 of the first respondent and quash the same and to direct the respondents 1 & 2 to correct the petitioner's date of birth in the Secondary school leaving Certificate as well as in the Higher Secondary Course Certificate in accordance with my birth certificate.

For Petitioner : Mr. P. Sesubalan Raja

For Respondents : Mr. G. Krishnaraja
Government Counsel

O R D E R

The petitioner seeks to quash the order dated 24.02.2021 issued by the first respondent and consequently to direct the respondents 1 & 2 to correct the petitioner's date of birth in



2. According to the petitioner, his date of birth is 19.01.1994. However, at the time of the admission in the Government Primary School at Nandhimeru, the petitioner's parents had given his date of birth as 26.05.1993 instead of 19.01.1994. Due to poverty, he discontinued studies and got Transfer Certificate. Thereafter, he had completed SSLC and HSC as private student and also completed catering course. Thus, the 10th and 12th standard mark sheets reflect the date of birth as 26.05.1993. Later, he got an employment opportunity to serve as a caterer in shipping. The authorities perused his certificates and found variance in the date of birth stated in the birth certificate as well as the educational testimonials. They instructed to correct the date of birth in the school certificate in accordance with the birth certificate. In this context, the petitioner made a representation to the first respondent requesting for correction in the school certificates. Based on the representation, an enquiry was conducted and thereafter, the respondent passed the order dated 24.02.2021 rejecting his representation. Feeling aggrieved, the petitioner has come up with this writ petition for the aforesaid relief.

4. The learned counsel for the petitioner submitted that the issue involved in this writ petition is already considered and decided by this Court by an order dated 27.08.2020 in W.P.No.11295 of 2020, wherein this Court directed the authorities to have corrections in the school certificates based on the birth certificate issued by the competent authority, the operative portion of which is usefully extracted hereunder:

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



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standard mark sheet certificate and 12th standard mark sheet certificate and change the date of birth as 13.11.1978. The petitioner is directed to make a fresh representation to the second and third respondents along with the copy of representations dated 02.03.2020 and 27.05.2020 and also a copy of this order. This exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of the representation from the petitioner. "

5. By placing reliance on the aforesaid order, the learned counsel for the petitioner submitted that the claim of the petitioner may be directed to be considered by the respondents, in the light of the aforesaid judgment rendered by this Court

6. The learned Government Counsel appearing for the respondents has no serious objection for issuing such a direction to the respondents in the light of the aforesaid order passed by this Court.

7. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side and also following the aforesaid decision, the impugned order is set aside and the petitioner is directed to submit a fresh representation to the respondents along with all relevant documents within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the respondents shall consider the claim of the petitioner and pass appropriate orders, on merits and in accordance with law in the light of the judgment dated 27.08.2020 passed by this Court in W.P.No.11295 of 2020, within a period of six (6) weeks thereafter.

8. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

av/rsh



To

1. The District Educational Officer,
Sriperumbadthur,
Kanceepuram District.

2. The Director of School Education,
DPI Campus, College Road,
Chennai.

3. The Head Master,
Sekkizhar Government Boys Higher Secondary School,
Kundrathur, Chennai 600 069.

+1CC to Mr.P.Sesubalan Raja, Advocate, Sr.No.50075

+1CC to Mr.Government Pleader, Sr.No.50525

WP No.18738 of 2021

PMK (CO)

K.RK. (13.10.2021)