

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.02.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No. 19390 of 2020

S.Kaviyarasan

.. Petitioner

vs

1.The Director,
Directorate of Government Examination,
College Road, Chennai - 600 006.

2.The Joint Director,
Directorate of Government Examination,
College Road, Chennai - 600 006.

3.The Director,
Director of School Education,
DPI Complex, College Road,
Chennai - 6.

4.The Commissioner,
Maduranthakam Municipality,
Maduranthakam, Kanchipuram District.
(R3 and R4impleaded vide order dated 09.02.2021
made in WMP No.989 of 2021 in
WP No.19390 of 2020)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider and pass order on the petitioner's representation dated 13.11.2020 with regard to alteration of the date of birth as 13.05.1996 instead of 01.06.1996 in the SSLC Mark Sheet bearing No.9626391 with registration No.1814881 and HSLC mark sheet bearing No.8108169 based on Birth Certificate dated 15.10.2004 issued by the Madhuranthagam Municipality within stipulated time.

For Petitioner : Mr.K.Kannan

For Respondents : Ms.P.Kavitha,
Govt. Advocate for R1 and R2
Ms.Annai Ezhil,
Govt. Advocate for R3 and R4

ORDER

This writ petition is filed for a mandamus directing the respondents to consider the petitioner's representation dated 13.11.2020 with regard to the alteration of date of birth as 13.05.1996 instead of 01.06.1996 in SSLC Mark Sheet bearing No.9626391 with registration No.1814881 and HSLC mark sheet bearing No.8108169 based on Birth Certificate dated 15.10.2004 issued by the Maduranthakam Municipality.

2.The case of the petitioner is that he was born in Government hospital at Maduranthakam in Kancheepuram District on 13.05.1996 and his date of birth has also been registered by the Maduranthakam Municipality. Inadvertently, the date of birth has been recorded by the concerned school authorities as 01.06.1996, without verifying the birth certificate and it is also carried in the subsequent documents. The petitioner, by producing the birth certificate, has made a request to the concerned authorities but the authorities have failed to act upon the same and therefore, he approached this Court.

3.The petitioner has taken out a petition to implead the Director of School Education, Chennai and the Commissioner of Maduranthakam Municipality and the same was allowed on 09.02.2021.

4.Mr.Annai Ezhil, learned Government Advocate took notice for the newly impleaded respondents and obtained written instructions from the Commissioner, Maduranthakam Municipality to the effect that the date of birth of the petitioner has been duly registered in the birth register as 13.05.1996. He has also produced a copy of the birth certificate, which is available from the Birth Register maintained by the Maduranthakam Municipality. It appears that the petitioner was born on 13.05.1996 and it was also duly registered in the Register of the Maduranthakam Municipality and that the petitioner is having the birth certificate. Despite the same, the school authorities inadvertently recorded the date of birth of the petitioner as 01.06.1996. In similar circumstances, this Court in W.P.No.28636 of 2019 passed an order on 30.10.2019. The relevant portion of the order reads as under:

".....

.....

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 student and made a request for alternation (sic.) 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 (sic.) under Article 226 of the Constitution, this Court directs 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 doe in the school records, within a period of four weeks from the date of receipt of a copy of this order."

5.In the light of the aforesaid order, this writ petition stands allowed on the same terms with a direction to the third respondent to alter the date of birth of the petitioner as 13.05.1996 instead of 01.06.1996, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi

To

1.The Director,
Directorate of Government Examination,
College Road, Chennai - 600 006.

2.The Joint Director,
Directorate of Government Examination,
College Road, Chennai - 600 006.

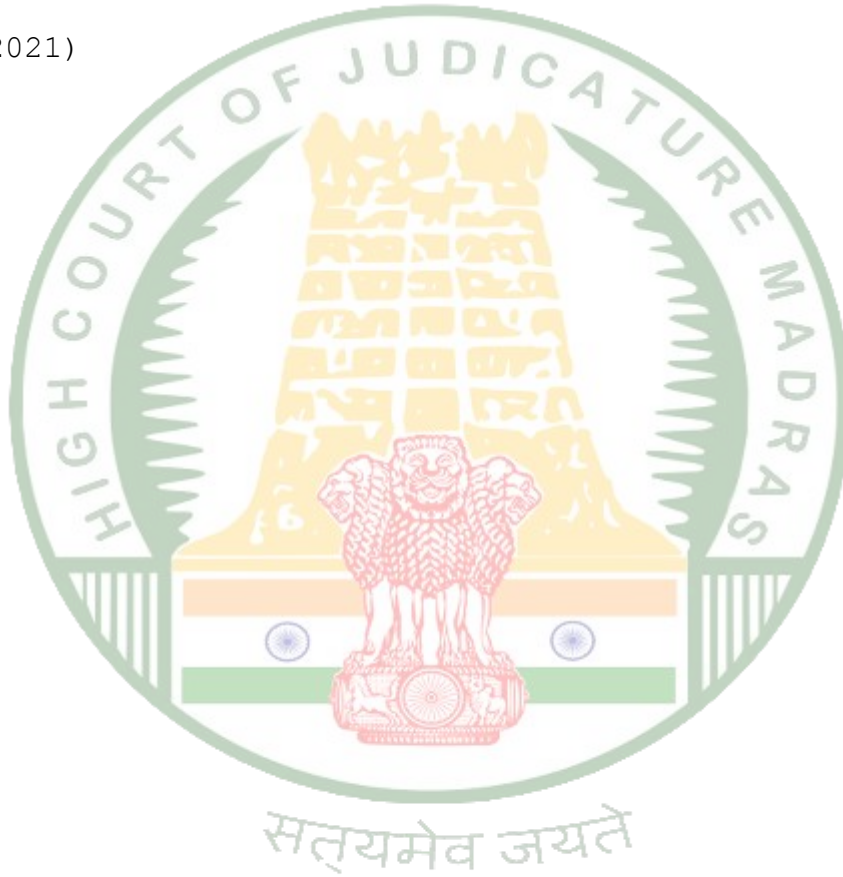
3.The Director,
Director of School Education,
DPI Complex, College Road, Chennai - 6.

4.The Commissioner,
Maduranthakam Municipality,
Maduranthakam, Kanchipuram District.

+1cc to Mr.K.Kannan, Advocate SR.10422
+1cc to the Government Pleader SR.10444

W.P.No. 19390 of 2020

SR II(CO)
CB(10/03/2021)



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