



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2022

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.16286 of 2013 &
M.P.No.1 of 2013

R.Palanisamy

...Petitioner

Vs.

1. The Secretary,
Board of Higher Education,
Department of Government Examinations,
Madras - 6.
2. The Secretary,
Board of School Education,
Department of Government Examinations,
Madras - 6.
3. The District Educational Officer,
Chennai.
4. The Principal / Correspondent,
Sri R.K.M.Boys HSS,
T.Nagar, Chennai - 17.
5. The Head Master,
Kesari Higher Secondary School,
Chennai - 17.
6. The Head Master,
Madurai West Village Panchayat Primary School,
Podhumbu,
Madurai - 18.

...Respondents

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents or any other competent person to issue the Transfer Certificate and SSLC Mark Statement of the petitioner's son Master.P.Sangaiah with the date of birth corrected as 09.02.1998 as per the birth certificate issued by Aruppukottai Municipality.



WEB COPY

For Petitioner : Mr.S.Mohan

For Respondents : Mr.T.Sampath Kumar
Government Advocate for R1 to R3

Mr.P.Siddharth
for M/s.BFS Legal Services for R4

No appearance for R5 and R6

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the respondents to issue the Transfer Certificate and SSLC Mark Statement of the petitioner's son P.Sangaiah with the date of birth corrected as 09.02.1998 as per the birth certificate issued by Aruppukottai Municipality.

2. It is the case of the petitioner that he has two children viz., P.Sangaiah and P.Chitharthi and they studied 10th and 11th standard respectively in the fourth respondent-School. The further case of the petitioner is that his son P.Sangaiah was born on 09.02.1998 and a birth certificate was also issued by the Aruppukottai Municipality. When he submitted a declaration form to enter the date of birth of his son, the fourth respondent informed him that the date of birth given in the declaration form differs with the date of birth mentioned in the transfer certificate issued by the fifth respondent and unless the date of birth mentioned in the transfer certificate is corrected, his request could not be considered. Hence, he made a representation to the respondents on 25.04.2013 to correct the date of birth as 09.02.1998 from 09.02.1997. The second respondent, vide reply, dated 16.05.2013, directed the petitioner to approach the School where his son studied 10th standard along with the required documents. Hence, the present Writ Petition.

3. The learned counsel for the petitioner Mr.S.Mohan would state that the petitioner is ready to submit a representation to the fourth respondent along with the documents required by the second respondent in his reply dated 16.05.2013 and it may be considered in accordance with law. In this regard, reliance is placed on the order passed by the learned Single Judge of this Court in W.P.(MD)No.9340 of 2009, dated 18.09.2012.

4. The learned Government Advocate Mr.T.Sampath Kumar appearing for the respondents 1 to 3 and Mr.P.Siddharth, learned counsel appearing for the fourth respondent would state that if the petitioner produces the materials sought for in the reply issued by the second respondent dated 16.05.2013, it will be considered in accordance with law.



5. In the light of the limited scope of prayer sought for in the Writ Petition and the submission of the learned counsel for the respondents, the petitioner is directed to give a fresh representation to the fourth respondent along with the documents referred in the reply dated 16.05.2013. On such production, the fourth respondent shall consider the same and take appropriate action in accordance with law.

6. With the above direction, the Writ Petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

r n s

To

1. The Secretary,
Board of Higher Education,
Department of Government Examinations,
Madras - 6.
2. The Secretary,
Board of School Education,
Department of Government Examinations,
Madras - 6.
3. The District Educational Officer,
Chennai.
4. The Principal / Correspondent,
Sri R.K.M.Boys HSS,
T.Nagar, Chennai - 17.
5. The Head Master,
Kesari Higher Secondary School, Chennai - 17.
6. The Head Master,
Madurai West Village Panchayat Primary School,
Podhumbu, Madurai - 18.

+1cc to M/s.BFS Legal Services, SR. No.21105

+1cc to Government Pleader SR. No. 21081

W.P.No.16286 of 2013 &
M.P.No.1 of 2013