



W.P.(MD)No.20189 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.20189 of 2013

D.Muthukumaran

... Petitioner

Vs.

1.The Director,
Department of School Education,
DPI Campus,
Chennai – 600006.

2.The Chief Educational Officer,
Department of School Education,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in his proceedings in Oo.Mu.No.100770/ M/E-3 2013 dated 22.11.2013, and quash the same and consequently directing the first respondent to make necessary change and correct the date of birth as



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11.06.1991 instead of 13.06.1991 in the petitioner's mark statements issued by the respondents dated 05.06.2006 and 09.05.2008 respectively within a stipulated time fixed by this Court.

For Petitioner : Mr.M.Suresh
for Mr.J.Jeyakumaran

For Respondents : Mr.V.Nirmal Kumar
Government Advocate

ORDER

The present writ petition has been filed seeking to quash the order passed by the first respondent herein, under which, the request of the writ petitioner for altering his date of birth was rejected on the ground that the said application has been made after completing the S.S.L.C and Higher Secondary School.

2. According to the learned Counsel for the petitioner, the petitioner's correct date of birth is 11.06.1991. The petitioner has produced the Birth Certificate which is found in Page No.9 of the typed set of papers. The said Birth Certificate discloses the name of the petitioner and her parents and the date of birth is mentioned as

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11.06.1991. The Transfer Certificate of the petitioner while he was leaving the school after completing his Higher Secondary School examinations, discloses the date of birth as 11.06.1991. However, the S.S.L.C and the Higher Secondary Mark Statement indicates the date of birth of the petitioner as 13.06.1991. Hence, the petitioner has approached this Court to quash the order passed by the first respondent herein and to direct the said respondent to alter the date of birth in the S.S.L.C and Higher Secondary Mark Statements.

3. The learned Counsel for the respondent contended that as per Rule 5 of Tamil Nadu Secondary Education Certificate Rules, any alterations in the name of the candidates or their parents are to be entertained only before the examinations are completed and not after that. Hence, he contended that the petitioner having been passed out in the year 2006 and 2008 respectively, cannot, after such a long time, seek for alteration of his date of birth. Hence, he prayed for the dismissal of the writ petition.



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4. I have carefully considered the submissions made on either side.

5. Admittedly, the petitioner is not working in any Government Institution. The request has been made for altering the date of birth from 13.06.1991 to 11.06.1991 i.e., two days anterior in point of time. The Birth Certificate would be the crucial document which decides the date of birth. However, by mistake, the S.S.L.C and Higher Secondary Mark Statements had been issued carrying the date of birth as 13.06.1991. However, the Transfer Certificate issued by the school while the petitioner has left the school after completing Higher Secondary, clearly indicates the date of birth as 11.06.1991. Hence, we can safely come to a conclusion that there is a contradiction between the Higher Secondary Mark Statement and the Transfer Certificate. In such circumstances, this Court finds that the impugned order is liable to be set aside and it is hereby set aside.

6. The first respondent is directed to issue a fresh S.S.L.C as



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well as Higher Secondary Mark Statements incorporating the date of birth of the petitioner as 11.06.1991. The petitioner is directed to pay the necessary charges for the same.

7. With the above said observations, this Writ Petition stands allowed. No costs.

22.07.2022

Index : Yes / No
Internet : Yes / No
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To

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Department of School Education,
Virudhunagar District.



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R.VIJAYAKUMAR ,J.

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