

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9245 of 2013

Basheer Ahamed

... Petitioner

Vs.

1.The Government of Tamil Nadu,
rep., by its Secretary,
Department of Education,
Fort St.George, Chennai.

2.The Director of School Education,
Government of Tamil Nadu,
Chennai.

3.The District Educational Officer,
Madurai, Madurai District.

4.The Principal,
KL Nagaswamy Memorial Polytechnic College,
Kozhimedu, Viraganoor Post,
Madurai 625 009.

... 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 proceedings of the second respondent O.Mu.No.40679/M/E-3/2013 dated 16.05.2013 and quash the same and directing the respondents to correct the date of birth of the petitioner as 23.04.1994 (instead of 23.04.1995) in his Secondary School

Leaving Certificate and other records which are prepared subsequently on the basis of it.

For Petitioner : Mr.V.Kannan
For Respondents : Mr.A.Baskaran (for R1 to R3)
Additional Government Pleader
Mr.T.R.Subramanian (for R4)

ORDER

The present writ petition has been filed challenging an order passed by the second respondent herein, under which the request of the petitioner for alteration of date of birth in the S.S.L.C mark statement has been rejected on the ground that after completion of 10th standard, the date of birth cannot be altered.

2.The learned counsel appearing for the petitioner submitted that his original date of birth is 23.04.1994 and it is reflected in the birth certificate issued to the writ petitioner and same has been registered on 27.04.1994. However, erroneously at the time of appearing for the Secondary School Leaving Certificate examination, his date of birth was recorded as 23.04.1995. Hence, he has sent a representation to the Educational authorities to alter the date of birth in the S.S.L.C mark statement. The authorities have rejected the said request on the ground that any request for altering the date of birth will be entertained only

before appearing the S.S.L.C examination and not after completion of the S.S.L.C examination.

3. I have carefully considered the submission made on either side

4.The petitioner's correct date of birth is reflected in the birth certificate as 23.04.1994 and birth has been registered as early as on 27.04.1994 and hence, no doubt can be raised about the correct date of birth of the writ petitioner as 23.04.1994.

5.In view of the above said facts, the order impugned in the writ petition is set aside and second respondent is directed to issue fresh S.S.L.C mark statement incorporating the correct date of birth of the writ petitioner as 23.04.1994. After receiving the rectified mark statement, the petitioner can approach the fourth respondent for effecting changes in the transfer certificate and other certificates issued by the fourth respondent. The said exercise shall be completed by the second respondent within a period of eight weeks from the date of receipt of a copy of this order. Any alteration in the date of birth effected in the S.S.L.C mark statement or in any other record will not have any effect

over the service record of the writ petitioner, if he is a government servant.

6.With the above direction, this Writ Petition is allowed. No costs.

09.09.2022

Index : Yes / No
Internet : Yes / No
vsg

To

- 1.The Secretary,
Government of Tamil Nadu,
Department of Education,
Fort St.George, Chennai.
- 2.The Director of School Education,
Government of Tamil Nadu,
Chennai.
- 3.The District Educational Officer,
Madurai, Madurai District.

R.VIJAYAKUMAR,J.

vsg

Order made in
W.P(MD)No.9245 of 2013

Dated:
09.09.2022