



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.7922 of 2022

and W.M.P. (MD) .No.5981 of 2022

R.Akshara

... Petitioner

Vs.

1.The Director of Government Examination,
DPI Campus, Chennai-6.

2.The Director of School Education,
DPI Campus, Chennai-6.

3.The District Educational Officer,
Kuzhithurai Education District,
Kuzhithurai, Kannyakumari District.

4.The Principal,
Bethalagam Matriculation Higher Secondary School,
Karungal,
Kannyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent vide Na.Ka.No.453/M1/2022 dated 09.02.2022 and quash the same as illegal and consequently direct the respondents 1 to 3 to correct the petitioner's date of birth in the S.S.L.C. Certificate (Reg No.XMI9R0026008631) and H.S.C. (Reg.No. 2016002004) as 24.12.2002 instead of 24.12.2003.

For Petitioner

: Mr.A.Balakrishnan
for Mr.K.P.Narayanakumar

For R-1 to R-3

: Mr.N.GA.Nataraj
Government Advocate

O R D E R

This writ petition has been filed challenging the order, dated 09.02.2022, passed by the third respondent, rejecting the petitioner's application, seeking for correction of her date of birth as '24.12.2002' in stead of '24.12.2003' on the ground that there is no provision under Rule 5 of Tamil Nadu Secondary School



Certificate Rules for effecting such correction and also on the ground that the declaration form signed by the parents of the petitioner also reveals that the petitioner's date of birth as '24.12.2003'.

2.Heard Mr.A.Balakrishnan, learned counsel appearing for the petitioner and Mr.N.GA.Nataraj, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 3.

3.The learned counsel for the petitioner contended that the reasons given by the third respondent are not in accordance with law. According to him, as held by the various decisions of this Court, which has been produced before this Court today, the third respondent is having the power to correct the date of birth in the School Certificates.

4.The learned counsel for the petitioner has placed before this Court the decisions rendered by this Court in W.P.No.23716 of 2014 and W.P.No.6026 of 2020, under which, it was held that the third respondent is having the power to correct the date of birth in the school certificates.

5.Admittedly, no opportunity of hearing was granted to the petitioner by the third respondent and the third respondent has also not considered the contentions raised by the petitioner in this writ petition in the impugned order. Since no opportunity of hearing has been granted to the petitioner and the impugned order is a non speaking order with regard to the contentions raised by the petitioner in this writ petition, this Court is of the considered view that the impugned order has to be quashed and the matter has to be remanded back to the third respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner, including granting her the right of personal hearing.

6.In view of the fact that the impugned order has been passed by violating the principles of natural justice and is a non speaking order with regard to the contentions raised by the petitioner in this writ petition, the impugned order, dated 09.02.2022, is hereby quashed and the matter is remanded back to the third respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner including granting her the right of personal hearing. The third respondent is directed to pass final orders, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is also permitted to file additional documents before the third respondent to substantiate her claim that the third respondent is empowered to correct the date of birth in the school certificates of the petitioner from '24.12.2003' to '24.12.2002'.



7. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar(CS)

TM

To

1. The Director of Government Examination,
DPI Campus, Chennai-6.

2. The Director of School Education,
DPI Campus, Chennai-6.

3. The District Educational Officer,
Kuzhithurai Education District,
Kuzhithurai, Kanniyakumari District.

+1 CC to M/s.K.P. NARAYANA KUMAR, Advocate (SR-21665[F] dated
27/04/2022)

+1 CC to M/s.SPL.GP. (SR-21214[F] dated 26/04/2022)

W.P. (MD)No.7922 of 2022
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SR(CO)

KB(13.05.2022) 3P 6C