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W.P.No.9447 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9447 of 2023

S.Muthu Lingam

... Petitioner

Vs.

1.Gnana Vidya Mandir Senior Secondary School,
Represented by its Principal,
Keelakattuvilai,
Kanyakumari District – 629 501.

2.Central Board of Secondary Education,
Rep. by its Chairman,
(An Autonomous Organization Under the
Ministry of Human Resources Development),
Head Office, No.2,
Shiksha Kendra Community Centre,
Preet Vihar, New Delhi – 110 092.

3.Regional Officer,
Central Board of Secondary Education,
Regional Office, New No.3, (Old No.1630-A1),
V Block, 16th Main Road, Anna Nagar (West),
Chennai – 600 040.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus, directing the respondents to correct the Date



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of Birth details in the Marksheet dated 22.07.2022 bearing S.No.1988167, Reg.No.M122/555556/0034 and Roll No.20244604 as per the petitioner's daughter Birth Certificate and issue a fresh Marksheet to the petitioner bearing the corrected Date of Birth.

For Petitioner : Mr.S.Poovendhan
For Respondents : Mr.G.Nagarajan
Standing Counsel [R2 & R3]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents to correct the Date of Birth details in the Marksheet dated 22.07.2022 bearing S.No.1988167, Reg.No.M122/555556/0034 and Roll No.20244604 as per the petitioner's daughter Birth Certificate and issue a fresh Marksheet to the petitioner bearing the corrected Date of Birth.

2. The case of the petitioner is that the petitioner's daughter, after completion of her School Education, she came to know that her actual date of birth was not mentioned in her School records. Hence, the petitioner made a detailed representation to the respondents to make correction in the date of birth in the School records. However, the same



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was not considered so far, hence, the petitioner has filed the writ petition for appropriate directions.

3. The learned counsel appearing for the petitioner submitted that the issue involved in the writ petition is no longer res integra and further submitted that already the Hon'ble Apex Court as well as this Court has dealt with similar issues, one of which has been decided by this Court in W.P.No.250 of 2022.

4. This Court in W.P.No.250 of 2022 in the case of **Jayaprakash Vs. The Secretary, Department of School Education and Ors.**, in paragraph Nos.10 to 13 has held as follows :

“11. Perusal of the decisions cited supra makes it clear that Subsidiary Rule 5 of the Secondary School Leaving Certificate scheme, relied on by the respondents to contend that the application for alteration in the date of birth will not be entertained after a pupil had completed his course or appeared for the S.S.L.C public examination also is much earlier to the advent of the Registration of Births and Deaths Act, 1969 and the rules framed thereunder. Needless to



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say that the provisions of any Central Act, will prevail over the State Act or the rules or regulations, framed by the latter, on the same subject. When the statutory provisions stated supra, enable the competent authorities under the Registration of Births and Deaths Act, 1969, to make correction or cancellation as the case may be, the contention of the respondents that no alteration is permissible in the school records, after the student leaves the secondary education cannot be countenanced.

12. Further, the Hon-ble Apex Court in exercise of the plenary power, has issued direction to the CBSE to process the applications for correction or change, as the case may be, in the certificate issued by it.

13. In view of the above, this Court is inclined to extend the same benefit to this petitioner also. The respondents are directed to process the application made by the petitioner for making necessary correction in the date of birth in her School records. The petitioner is directed to produce the relevant public document to enable the respective School Authorities to make necessary corrections in the School records.

14. The writ petition is accordingly allowed. No costs."



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5. In view of the issue having been settled already and the present case falls squarely within the four corners of the said decision, this Court is inclined to extend the same benefit to this petitioner also.

6. Accordingly, the writ petition is allowed and the respondents are directed to process the application made by the petitioner for making necessary correction in the date of birth in his daughter's School records. The petitioner is directed to produce the relevant public document to enable the respective School Authorities to make necessary corrections in the School records. No costs.

28.03.2023

Index: Yes/ No
Speaking Order/ Non-Speaking Order
Neutral Citation Case : Yes / No
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To

1.The Principal,
Gnana Vidya Mandir Senior Secondary School,
Keelakattuvilai,
Kanyakumari District – 629 501.



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M.DHANDAPANI, J.,

sp

- 2.The Chairman,
Central Board of Secondary Education,
(An Autonomous Organization Under the
Ministry of Human Resources Development),
Head Office, No.2,
Shiksha Kendra Community Centre,
Preet Vihar, New Delhi – 110 092.
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