



W.P(MD)No.6271 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.6271 of 2023
and WMP(MD)No.5955 of 2023

M.Madheshwaran

... Petitioner

Vs

1. The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai- 600 006.
2. The Member Secretary,
State Board of School Examinations (Secondary),
College Road, Chennai- 600 006.
3. The Joint Director of School Education,
Office of the Joint Director of School Education,
Madurai Region,
Madurai.
4. The Chief Educational Officer,
Virudhunagar District.
5. The District Educational Officer
Office of the District Educational Officer,
Virudhunagar District.



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6. The Headmaster,
Ayira Vysia Boys Higher Secondary School,
Sattur Town and Taluk,
Virudhunagar District.

*(4th respondent suo-motu impleaded as per
order of this Court, dated 28.03.2023)*

... Respondents

For Petitioner :,

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certioraraified Mandamus, calling for the records pertaining to the impugned order issued by the 2nd respondent in Aa.Thi.Mu.No. 016875/Pi5(2) dated 21.12.2021 and consequential proceedings issued by the 5th respondents dated 09.03.2023 and quash the same as illegal and unconstitutional and consequently directing the Respondents to carry out the corrections with regard to date of Birth of petitioner in the SSLC Marks Statement as 04.12.2003 instead of 04.12.2022 within the time stipulated by this Honble Court and pass other orders as this Honble Court may deem fit and proper in the circumstances

For Petitioner : Mr. P.Banu Prasath

For Respondents : Mr.M.Ramesh
Government Advocate



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ORDER

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The Writ Petition has been filed in the nature of Certiorarified Mandamus, seeking interference with the order passed by the second respondent, dated 21.12.2021 and consequently quash the proceedings issued by the fifth respondent, dated 09.03.2023 and direct the respondents to carry out necessary corrections relating to date of birth of the petitioner in the SSLC Mark Statement as 04.12.2002 instead of 04.12.2003.

2.In the affidavit filed in support of the writ petition, the petitioner had stated that he had completed his Higher Secondary School Education in April, 2020 in the fifth respondent School. The second respondent had issued mark statement at Serial No.91822, wherein, his date of birth has been mentioned as 04.12.2003 instead of 04.12.2002. He had been trying to correct his date of birth in the mark statement, but it was not possible.

3.The second respondent had passed an order on 21.12.2021, whereby, it had been stated that it is not possible to correct the date of birth. Consequently, an order had been passed by the fifth respondent stated that the



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date of birth could not be corrected.

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4.My attention is drawn to a Circular issued by the Government on 23.12.2021 in G.O.Ms.No.177 (School Education Department), wherein it had been stated that the competent officer to correct such date of birth in the SSLC book or Marksheet is the Chief Educational Officer of the concerned District. In the said order, guidelines were also issued.

5.In view of the above fact, the Chief Educational Officer is a necessary official to examine the representation of the petitioner herein. Hence, the Chief Educational Officer, Virudhunagar District is suo-motu impleaded as fourth respondent in the writ petition. Registry is directed to make necessary amendment before issuing copies, by impleading the Chief Educational Officer, Virudhunagar District as fourth respondent and rearrange the fourth and fifth respondents as fifth and sixth respondents.

6.A direction is given to the petitioner to give a fresh representation before the fourth respondent/Chief Educational Officer, Virudhunagar District, enclosing all necessary certificate showing his actual



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date of birth as 04.03.2002 and also give a copy of mark sheet, bearing Serial No.91822. The fourth respondent is directed to conduct a proper enquiry, by issuing notice to the petitioner herein and if he found that the actual date of birth is 04.12.2002, then make necessary correction in the mark statement of the petitioner and issue a fresh mark statement to the petitioner. Then, the petitioner shall surrender the earlier mark statement received by him. The said exercise should be completed by the fourth respondent, within a period of twelve weeks, from the date on receipt of fresh representation from the petitioner.

6.With the above directions, this writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

28.03.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM



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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
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