



WP(MD)No.917 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.917 of 2016

G.Perachimani

... Petitioner

v.

- 1.The Director,
School Education Department,
College Road,
Chennai – 600 006.
- 2.The District Education Officer,
Tirunelveli District,
Kokkirakulam,
Tirunelveli.
- 3.The Headmaster,
St.John's Higher Secondary School,
Palayamkottai,
Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the third respondent to forward the petitioner's representation dated 19.10.2015 to the first respondent and to direct the first respondent to consider the same and alter the



WP(MD)No.917 of 2016

date of birth of the petitioner, namely, G.Perachimani, as 15.10.1989 instead of 15.03.1990, within a stipulated time limit.

For Petitioner : Mr.B.Char Murugan

For Respondents : Mr.J.K.Jeyaseelan,
Government Advocate for R.1, R.2

ORDER

This writ petition is filed by the petitioner for a mandamus directing the respondents to consider the his representation dated 19.10.2015 for alteration of date of birth as 15.10.1989 instead of 15.03.1990.

2.Learned Counsel for the petitioner submitted that the petitioner was born on 15.10.1989 and the same was also registered in the Register of Tirunelveli Corporation and a birth certificate was also issued to him. However, at the time of admission in School, his date of birth was wrongly mentioned as 15.03.1990, instead of 15.10.1989. The petitioner has completed degree and he is also working in a private concern. The petitioner came to know about the wrong entries made in his certificates only now and therefore, he submitted a representation to the third respondent / Headmaster



WP(MD)No.917 of 2016

of the School, where he studied. Since the same was not considered, he has moved the instant writ petition.

3.Learned Government Advocate, by relying upon the Government Order in G.O.Ms.No.177, School Education Department dated 23.12.2021, submitted that the first respondent / Director of School Education is the competent authority to alter the date of birth on the following circumstances:-

“i) Category 1: With regard to the first category whenever a request for alteration of date of birth in the SSLC Book is made by a person who continues to be a student of the Secondary School, the Government directs that the Director of School Education should consider the application for alteration of date of birth and pass orders on merits. The applicant has to let in evidence in support of the application and the onus to establish that the original entry was wrong is on the applicant. The Director of School Education should examine the evidence that is placed before him and pass orders.

ii) Category 2: With regard to the applications for alteration of the date of birth in respect of persons, who have ceased to be students, in G.O.Ms.No.39, Education dated 12.01.1944, the Government authorized the Director to order corrections at any time in the date of birth as recorded in the SSLC book in the



following circumstances:

- *when an obviously absurd entry has to be set right and;*
- *when a Civil Court directs correction in any individual cases.”*

He further submitted that the petitioner comes under the second category, since he has ceased to be a student. Therefore he has to establish before the first respondent / Director that an absurd entry has made in the register at the time of recording his date of birth.

4.This Court considered the rival submissions made by the learned Counsel on either side.

5.The Government, vide G.O.Ms.No.177, School Education Department dated 23.12.2021, has authorized the Director of School Education to alter the date of birth in certain circumstances and the same were extracted supra. In view of this Government Order, this writ petition is disposed of with a direction to the petitioner to submit a fresh representation to the first respondent, within a period of four weeks from the date of receipt



WP(MD)No.917 of 2016

of a copy of this order, along with relevant documents to substantiate that his date of birth is 15.10.1989 and that it has been wrongly entered as 15.03.1990. If the petitioner establishes that his date of birth is 15.10.1989 and that a wrong entry has been made in the registers, the first respondent shall pass appropriate orders as per G.O.Ms.No.177, School Education Department, dated 23.12.2021, within a further period of four months thereafter. No costs.

Index : Yes / No
Internet : Yes / No
gk

15.02.2023

To

- 1.The Director,
School Education Department,
College Road,
Chennai – 600 006.
- 2.The District Education Officer,
Tirunelveli District,
Kokkirakulam,
Tirunelveli.



WEB COPY



WP(MD)No.917 of 2016

B.PUGALENDHI, J.

gk

WP(MD)No.917 of 2016

15.02.2023