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W.P.No.29590 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29590 of 2024

S.Lavanya

... Petitioner

Vs.

- 1.The Secretary,
School Education,
Secretariat,
Chennai.
- 2.The Director of School Education,
College Road (DPI Campus),
Nungambakkam, Chennai – 600 006.
- 3.The Secretary,
Department of Government Examinations,
State Board of School Examination,
College Road (DPI Campus),
Nungambakkam, Chennai – 600 006.
- 4.The Headmaster/Principal,
The Railway Colony Matriculation Higher Secondary School,
No.227/II St, Railway Colony Quarters,
Ayanpuram, Chennai – 600 023.
- 5.The Commissioner,
Chengalpattu Municipality,
Chengalpattu.



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6.Registrar of Examination,
University of Madras,
Institute of Distance Education,
Chepauk, Chennai – 600 005.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in R.C.No.011310/B5(1)/2024 dated 07.08.2024 and quash the same and direct the respondents 1 and 2 to correct the date of birth as 13.05.1981 instead of 16.05.1981 in the petitioner's Secondary School Leaving Certificate (SSLC) and Higher Secondary Certificate (HSC) as per the Birth Certificate issued by the Chengalpattu Municipality and to issue fresh Duplicate Certificates reflecting the correct date of birth.

For Petitioner : Mr.R.Kumaresan
For Respondents : Mrs.E.Ranganayaki
Additional Government Pleader [R1 to R3]

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in R.C.No.011310/B5(1)/2024 dated 07.08.2024 and quash the same and direct the respondents 1 and 2 to correct the date of birth as 13.05.1981 instead of 16.05.1981 in the petitioner's Secondary School Leaving Certificate (SSLC) and Higher



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Secondary Certificate (HSC) as per the Birth Certificate issued by the Chengalpattu Municipality and to issue fresh Duplicate Certificates reflecting the correct date of birth.

2. Mrs.E.Ranganayaki, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 to 3. In view of the consent expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that, she had completed her Secondary School Leaving Certificate in April 1997 with Registration No.492345 and Higher Secondary Certificate (HSC) in March 2000 with Registration No.839569. Her correct date of birth as per the birth certificate issue by the Chengalpattu Municipality is 13.05.1981, however, her date of birth has been erroneously recorded as 16.05.1981 instead of 13.05.1981. Hence, on 29.07.2024, the petitioner made a detailed representation to the 2nd respondent to make correction in the date of birth in the School records. However, her request was denied by the 3rd respondent in the order of the 2nd respondent in R.C.No.011310/B5(1)/2024 dated 07.08.2024 citing Subsidiary Rule 5 of



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the Tamil Nadu Secondary School Leaving Certificate Scheme.

Challenging the same, the petitioner has filed the present writ petition before this court.

4. 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.Nos.29556, 32886 & 34747 of 2019 and 27495 of 2021

5. This Court in W.P.Nos.29556, 32886 & 34747 of 2019 and 27495 of 2021 in the case of ***C.Murugesan Vs. The Director of School Education and 3 Ors.***, in paragraph Nos.11 to 14 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 jurisdiction, 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, I am inclined to extend the same benefit to these petitioners also. The respondents are directed to process the application made by the petitioners for making necessary correction in the date of birth in their School records. The petitioners are directed to produce the relevant public document to enable the respective School Authorities to make necessary corrections in the School records.

14. The writ petitions are accordingly allowed. No costs."



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6. 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.

7. Accordingly, the impugned order dated 07.08.2024 passed by the 2nd respondent is hereby set aside and the writ petition is allowed. Further, 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. No costs.

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Index: Yes/ No
Speaking Order/ Non-Speaking Order
Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.,

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