



W.P.No.34258 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated **05.12.2024**

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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B.Sekar

... Petitioner

Vs.

1. The Sub Registrar,
Avarapakkam, Tindivanam Taluk,
Villupuram District.

2. The Sub Collector, Tindivanam,
Villupuram District.

3. The Thasildar, Tindivanam,
Villupuram District.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorarified Mandamus to call for the records relating to the order No.Moo.Mu.(A3)2048/2024 dated 18.10.2024 passed by the third respondent and quash the same and consequently direct the third respondent to register the birth of the petitioner and issue birth certificate to the petitioner by registering the date of birth as 16.05.1971.



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For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.C.Sathish, Government Advocate
for first respondent

Mr.S.Balamurugan
Government Advocate
for second and third respondents

ORDER

This writ petition is filed challenging the order passed by the third respondent, rejecting the request of the petitioner to issue birth certificate by mentioning his date of birth as 16.05.1971.

2. The request of the petitioner to issue birth certificate by mentioning the date of birth as 16.05.1971 was rejected by the third respondent mainly on the ground that the petitioner is a government servant and hence, if he produces the copy of the Service Register to establish the date of birth, based on the same, birth certificate can be issued to the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner was born on 16.05.1971 and his date of birth was mentioned



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in the school records as 16.05.1971. It is also stated by him that the petitioner's date of birth was mentioned in his Service Register as 16.05.1965. He further submitted that the petitioner joined the School in the year 1976, immediately after completion of 5 years and therefore, the date of birth mentioned in his Service Register as 16.05.1965 is highly improbable. As such, the respondent is not entitled to seek production of Service Records to establish the correct date of birth.

4. The narration of the above facts shows that there is a serious dispute with regard to the date of birth of the petitioner. As per the Service Register, the date of birth of the petitioner is 16.05.1965, whereas, as per the school records, his date of birth is 16.05.1971.

5. In view of the serious dispute with regard to the year of date of birth, it is appropriate for the petitioner to get declaration with regard to the correct date of birth before the civil court. If the declaration decree passed by the competent court is produced by the petitioner before the respondents, the same shall be considered by them and Birth Certificate shall be issued to the petitioner, as per the civil court decree.



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6. With the above clarification, this writ petition is disposed.

There shall be no order as to costs.

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Index:Yes/No
Internet:Yes/No
mst

To

1. The Joint Secretary (PSP) and COP,
PSP Division, MEA, New Delhi.
2. The Regional Passport Officer,
Regional Passport Office, Coimbatore.
3. The Inspector of Police,
Erode North Police Station,
Erode District.
4. The Inspector of Police,
Erode Taluk Police Station,
Erode District.



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S.SOUNTHAR, J.

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