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W.P.No.35542 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH

W.P.No.35542 of 2024

D.Vimala

... Petitioner

Vs.

- 1.The Director,
Department of School Education,
Samagra Shiksha, Tamil Nadu, P.A.K Valagam,
College Road, Nungambakkam,
Chennai – 600 006.
- 2.The Joint Director (NSS)
Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Secretary,
Board of Secondary Examinations (X Standard)
Samagra Shiksha, Tamil Nadu, P.A.K Valagam,
College Road,
Nungambakkam, Chennai – 600 006.
- 4.The Secretary,
Board of Higher Secondary Examinations (XII Standard)
Samagra Shiksha, Tamil Nadu, P.A.K Valagam,
College Road, Nungambakkam,
Chennai – 600 006.



W.P.No.35542 of 2024

5.The District Educational Officer (Secondary) North,
Chennai-North Educational District,
Villivakkam, Chennai – 600 049.

6.The Head Mistress,
Government Girls School,
Villivakkam, Chennai – 600 049.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents herein to correct the petitioner date of birth as 25.05.1968 instead of 04.04.1967 in her SSLC Mark sheets, 12th Mark sheet and her transfer certificate based on the birth certificate issued by the Greater Corporation of Chennai having number COC/1968/HQ/073/005230/0.

For Petitioner : Mr.K.Murugan

For Respondents : Ms.Akila Rajendran
Nos.1 to 6 Government Advocate

ORDER

This writ petition has been instituted to issue a writ of Mandamus, directing the respondents herein to correct the petitioner's date of birth as 25.05.1968 instead of 04.04.1967 in her SSLC Mark sheet, 12th Mark sheet and her transfer certificate based on the birth certificate issued by the Greater Corporation of Chennai having number COC/1968/HQ/073/005230/0.



W.P.No.35542 of 2024

2. It was stated by the petitioner that she was born on 25.05.1968.

The parents of the petitioner had provided the date of birth of the petitioner as 04.04.1967 in the School Records, which is also reflected in the transfer certificate. The school authorities had also entered her date of birth as 04.04.1967 as given by the parents. The petitioner further states that she got appointment as Typist in the Metropolitan Magistrate Court at Egmore, Chennai vide order dated 02.04.2007 in R.O.C.No.1660/06A. At that time only, she applied for Birth Certificate and thereafter only, she came to know that her original date of birth is 25.05.1968 and not 04.04.1967. Since her parents are not aware of her original date of birth, they had given the petitioner's date of birth as 25.05.1968 in the School Records, which is not her original date of birth.

3. Thereafter, the petitioner filed a Suit in O.S.No.7033 of 2011 on the file of XVIII Assistant City Civil Judge, Chennai, to declare her date of birth as 25.05.1968 and to direct the School authorities to make necessary amendment in their records, correcting the petitioner's date of birth as 25.05.1968 instead of 04.04.1967. The above suit was partly decreed in favour of the petitioner, declaring her date of birth as 25.05.1968 as per Birth



W.P.No.35542 of 2024

Certificate. In this regard, the petitioner sent a representation to the respondents on 18.09.2024 to correct the date of birth in her School records. But the authorities have not considered the representation of the petitioner. Hence, the petitioner has filed the present writ petition.

4.The learned counsel for the petitioner submitted that though the Court below had passed the decree in favour of the petitioner in regard to correctness of her date of birth, the authorities concerned is reluctant to comply with the same inspite of her representation dated 18.09.2024 and hence, with no other option, the petitioner has approached this Court by way of the present petition. Hence, he pleaded this Court to direct the authorities concerned to make necessary amendments in regard to the petitioner's date of birth as per the birth certificate issued by the Greater Chennai Corporation.

5. The learned Government Advocate appearing on behalf of the respondents submitted that as per the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and the Tamil Nadu State and Subordinate Service Rules, the date of birth alteration application should be submitted to the authorities within 5 years from the date of entry into Government Service and since the petitioner joined the Government service as Typist on



W.P.No.35542 of 2024

02.04.2007, she is not entitled for the relief sought for in the present petition.

She further drew the attention of this Court that the petitioner has got the birth certificate from the Greater Chennai Corporation only on 06.08.2024, after lapse of 17 years from the date of entry into service. Hence, no action is required in this regard.

6. She also cited a similar case, viz., ***W.P.No.32085 of 2018 dated 03.04.2019 (Thiru.M.Govindarajan Vs. State of Tamil Nadu & 2 others)***, seeking to alter the date of birth instead of 15.05.1960 to 05.02.1961, in which this Court by relying upon the order of the Hon'ble Supreme Court of India, had passed orders and the relevant portion of the order is extracted hereunder:

“The law with regard to correction of date of birth has been time and again discussed by this Court and held that once the date of birth is entered in the Service Records, as per the Education Certificate and accepted by the employee, the same cannot be changed. Not only that this Court has also held that a claim for change of date of birth cannot be entertained at the fag end of retirement.”

7. The above extract is self explanatory. Thus, the learned



W.P.No.35542 of 2024

Government Advocate prayed this Court to dismiss the petition.

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8. Considering the facts and circumstances of the present case and in the light of the decision of this Court as stated *supra*, this Court is not inclined to consider the case of the writ petitioner and accordingly, the writ petition stands dismissed. No costs.

09.01.2025

Index : Yes/No

Neutral Citation : Yes/No

Speaking order / Non-speaking order

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W.P.No.35542 of 2024

WEB COPY

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W.P.No.35542 of 2024

VIVEK KUMAR SINGH, J.

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W.P.No.35542 of 2024

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