



W.P(MD)No.13013 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13013 of 2024

S.Kalikumar

... Petitioner

Vs.

- 1.The Director,
Department of School Education,
College Road, Nungampakkam,
Chennai.
- 2.The Secretary,
State Board of School Examinations (Secondary),
College Road, Chennai.
- 3.The Secretary,
Board of Higher Secondary Examinations,
College Road, Chennai.
- 4.The District Educational Officer,
Melur Educational District,
Melur, Madurai District.
- 5.The Head Master,
Government Higher Secondary School,
Melur, Madurai District.
- 6.The Head Master,
Jayaraj Annapackiyam CSI Higher
Secondary School,
Melur, Madurai.



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7.The Executive Officer,
Singampunari Town Panchayat,
Singampunari,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 5th respondent dated 13.06.2023 and set aside the same as illegal and consequentially direct the respondents No.1 to 6 to effect changes in the date of birth of the petitioner in the 10th and 12th mark sheets dated 04.06.2012 and 07.05.2015 on the strength of birth certificate dated 20.12.2000 issued by the 7th respondent and to issue fresh certificates within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Ramanujam

For Respondents : Mr.M.Saragan,
Addl. Government Pleader for R1 to R5.

ORDER

Heard both sides.

2.The petitioner passed his 10th standard in the sixth respondent school.

In the mark sheet, his date of birth was wrongly mentioned. Thereafter, he



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joined in the fifth respondent school and completed his 12th standard. In the transfer certificate as well as mark statement, again his date of birth was wrongly mentioned. The petitioner therefore wants correction and modification. He approached the fifth respondent. The fifth respondent declined the petitioner's request. Challenging the same, the present writ petition came to be filed.

3.My attention is drawn to the order dated 27.01.2023 made in W.P. (MD)No.2334 of 2021. I held as follows:-

“Heard the learned counsel on either side.

2.The petitioner studied in the fourth respondent School. He cleared 10th standard in the year 1995 and 12th standard in the year 1998. In school leaving certificates as well as the mark statements his date of birth has been mentioned as 03.09.1978. The petitioner states that his actual date of birth is 10.11.1978. He is having the certificate of birth in this regard. Seeking changes, he filed a petition before the respondents.

3.The learned Government Advocate appearing for the respondents 1 to 3 states that the first respondent can make corrections only as regards the date of birth only in the mark statements. Regarding making changes in Transfer Certificate, the petitioner has to approach the District Educational Officer for matriculation schools.



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4.The learned counsel appearing for the petitioner draws my attention to the decision reported in 2015 (1) CWC 243 (S.Rajesh Kumar Vs The Secretary, Board of Higher Secondary Education) and points out that the petitioner is entitled to seek the same changes. The first respondent is directed to make changes as regards the date of birth in the writ petitioner's mark statements. The petitioner is permitted to file a fresh representation before the jurisdictional District Educational Officer for Matriculation Schools. On receipt thereof the jurisdictional District Educational Officer for Matriculation School shall make necessary changes in the Transfer Certificate.

5.This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.”

4.I am inclined to adopt the very same approach in this case also. The petitioner is permitted to approach the fifth respondent as well as sixth respondent by way of separate application. As and when, they are received by the respective headmasters, they shall forward the same to the fourth respondent. The fourth shall forward the application as regards the petitioner's 10th mark statement to the third respondent. The fourth respondent shall forward the application regarding the petitioner's 12th mark statement to the second respondent. The respondents 2 and 3 are directed to make changes in respective mark statements and issue a revised mark statements to the petitioner herein.



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5. This writ petition is allowed accordingly. No costs.

27.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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