



W.P.(MD) No.22923 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.22923 of 2017

V.Jeyagugan

.. Petitioner

Vs.

- 1.The Secretary,
Board of Secondary Examinations,
Department of Education, Chennai.
- 2.The Joint Director,
Board of Secondary Education,
Department of Government Examinations,
Chennai.
- 3.The Secretary,
Board of Higher Secondary Education,
Department of Higher Secondary Examinations,
Chennai-600 006.
- 4.The Joint Director,
Board of Higher Secondary Education,
Department of Government Examinations,
Chennai-600 006.
- 5.The Headmaster,
Government Higher Secondary School,
Sikkal, Ramanathapuram District.



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6. The Headmaster,
Panchayat Union Primary School,
Sikkal, Ramanathapuram District.
 7. The Director,
Department of Collegiate Education,
Chennai.
 8. The Principal,
Pasumpon Muthuramalinga Thevar College,
Pasumpon, Kottaimedu Post,
Kamuthi Taluk, Ramanathapuram District.
 9. The Joint Director,
Employees and Public Information Officer,
Directorate of Government Examinations,
Chennai.
 10. The Director,
Director of Government Examinations,
Chennai.
 11. The Director of School Education,
Chennai.
 12. The Secretary,
Department of Government Examinations,
Chennai.
 13. The Joint Director of Secondary School Education,
Chennai.
- .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Mandamus, to direct the respondents to



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consider the petitioner's petition dated 30.06.2016 and direct the 3rd, 4th, 11th, 12th and 13th respondents to alter the petitioner's date of birth on the basis of the petitioner's birth certificate.

For Petitioner : Mr.S.Samuel James Devasagayam

For RR1 to 7 & 9 to 13: Mr.V.Om Prakash
Government Advocate

For R8 : No appearance

ORDER

The present writ petition had been filed seeking for a mandamus to the respondents to consider the petitioner's representation and to alter his date of birth on the basis of the birth certificate.

2. The petitioner had completed his Secondary School Leaving Certificate and Higher Secondary Certificate in which certificates, the petitioner's date of birth has been noted as 01.04.1979. Even the transfer certificate issued by the School indicates the date of birth of the petitioner as 01.04.1979. However, it is the case of the petitioner that when he applied for the birth certificate issued by the Department of



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Registration, the petitioner had been issued with a birth certificate indicating that his date of birth is “29.08.1983”. Hence, he would admit that the education certificates issued to the petitioner should be corrected noting the date of birth of the petitioner as “29.08.1983” instead of 01.04.1979.

3. Learned Government Advocate for the official respondents, on the other hand, would contend that the petitioner's request was rejected much earlier than to the filing of this writ petition and he has not challenged the same. Therefore, the writ petition simplicitor for a mandamus cannot be maintainable.

4. I have considered the rival submissions made by the learned counsel on either side.

5. It is to be seen that the petitioner's date of birth in the education certificates have been noted as “01.04.1979”. Reliance has been placed by the learned counsel for the petitioner on a certificate dated 15.03.2010



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issued by the Department of Registration, which indicates the birth of a male child to Vivekanandham and Kamatchi on 29.08.1983. The said certificate does not indicate the name of the child that was born on that date. However, the petitioner claims that it was the certificate, which is issued in his favour. The petitioner had not produced any other documents to substantiate or corroborate that the birth certificate issued by the Department on 15.03.2010 relates to the petitioner. It is for the petitioner to establish his claim in an appropriate civil suit in the manner known to law. Hence, this Writ Petition cannot be entertained without even establishing his right and the same is accordingly, dismissed. There shall be no order as to costs.

02.12.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

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K.KUMARESH BABU, J.

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