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W.P.No.4654 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.08.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

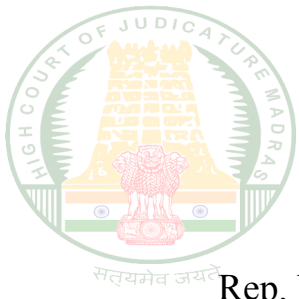
W.P.No.4654 of 2025

Vasanth Kumar

... Petitioner

Vs.

1. Member Secretary,
State Board of School Examination (SEC),
No.16, College Road,
DPI Campus, Nungambakkam,
Chennai – 600 006.
2. Joint Director (Personnel),
Directorate of Government Examinations,
Chennai – 600 006.
3. The Principal/Headmaster,
Don Bosco High School,
No.3., Vepery High Road,
Periamet, Vepery,
Park Town, Chennai – 600 007.
4. The Principal/Headmaster,
Dr.Ambedkar Government. Higher Secondary School,
Gandhi Irwin Road,
Adikesavapuram, Egmore,
Chennai – 600 008.
5. The Greater Chennai Corporation,



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Rep. by its Commissioner,
Chennai.

6. The Secretary,
School Education,
Secretariat, Chennai.

7. The Director of School Education,
College Road (DPI) Campus,
Nungambakkam, Chennai – 600 006.
(R6 and R7 are impleaded as per order dated 18.02.2025
in W.M.P.No.5796 of 2025 in W.P.No.4654 of 2025)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.019329/5(1)/2024 dated 19.12.2024 on the file of the second respondent and quash the same and direct the first to fourth respondents to accept the representation of the petitioner and to correct the date of birth as 26.08.1990 instead of 26.07.1990 in the petitioner's Secondary School Leaving Certificate (SSLC) and the Transfer Certificates issued by the third and fourth respondents as per the birth certificate issued by the fifth respondent and to issue fresh Duplicate Certificates reflecting the correct date of birth.

For Petitioner : M/s.R.S.Subashree

For Respondents : Mr.S.Prabhakaran,
Government Advocate
(for R1, R2, R4, R6, & R7)
Mr.S.Gopinathan,
Standing Counsel (R5)

ORDER



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The instant writ petition has been filed challenging the impugned order dated 19.12.2024 passed by the second respondent.

2. The learned counsel for the petitioner would submit that he had completed his SSLC in March 2005 from the third respondent school and he joined the fourth respondent school for his higher secondary study. However, due to financial constraints in 2007, the petitioner could not pursue his higher secondary education. Now, he wants to continue his education. It is the specific submission of the learned counsel for the petitioner that he was born on 26.08.1990. However, in his SSLC mark sheet as well as in his 12th transfer certificate, his date of birth has been wrongly mentioned as 26.07.1990. In this connection, the petitioner has sent a representation to the first respondent. However, the first respondent rejected his request on 19.12.2024, stating that the date of birth was recorded as per the details available in the school register. Therefore, there is no scope to change the date of birth, as it contravenes Rule 5 of the Tamil Nadu Secondary School Leaving Certificate Scheme (hereinafter referred to as 'the TNSSLCS' for short).



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3. The learned Government Advocate appearing for the first, second, fourth, sixth, and seventh respondents would submit that they reiterate the rejection order dated 19.12.2024, and in view of Rule 5 of the TNSSLCS, the question of changing the date of birth in contravention to the available records before the school authority is not possible. Therefore, they would justify the rejection.

4. I have given my anxious consideration to either side submissions.

5. In the case in hand, it is admitted that the petitioner's date of birth is referred to as 26.07.1990, in his SSLC mark sheet and his transfer certificates issued by the third and fourth respondents. The learned counsel for the petitioner would invite the attention of this Court to the birth certificate issued by the Greater Chennai Corporation, where the petitioner's date of birth is referred to as 26.08.1990. He would further invite the attention of this Court that the above registration was made as early as 07.09.1990, and he has also submitted that his father's and mother's names find a place in the above birth certificate. The learned counsel would also invite the attention of this



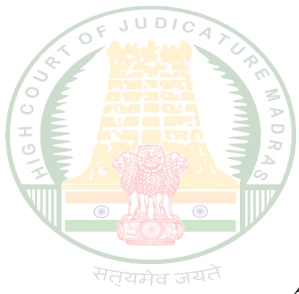
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Court to the fact that the registration of birth took place within a month from the date of his actual birth. Therefore, as rightly contended by the learned counsel for the petitioner, the birth certificate has credence to be relied upon.

6. However, the only grievance of the respondents in denying the petitioner's request is Rule 5 of the TNSSLCS. In this connection, it is appropriate to refer to the judgment of this Court in W.P.(MD) No. 9340 of 2009 (***S. Rajesh Kumar Vs. The Secretary, Board of Higher Secondary Education***), dated 18.09.2012, wherein this Court has categorically held that Rule 5 of the TNSSLCS was formulated prior to the enactment of the Registration of Births and Deaths Act, 1969, and further held that when the said Act provides a mechanism to change the date of birth, the denial of such provision based on the earlier rule will not have any precedence over the Central Act. For ready reference, this Court deems it appropriate to extract the relevant paragraphs 29 to 32, which read as follows:-

“29.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



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Act, 1969 and the rules framed thereunder. Needless to 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.

30.As stated supra, as per the birth certificate issued by the Sub Registrar, Thiruvattar enclosed in the typed set of papers, the name of the child entered in the said certificate is S.Rajesh Kumar. The date of birth has been shown as 19.01.1975. When the statute provides for correction or cancellation of an entry in the register of births and deaths maintained by the Sub Registrar after coming into force of the Act, the said certificate can be relied on for making necessary changes in public records which includes the records maintained in the office of the Director of Government Examinations Chennai. The contention of the respondents that the said correction can be made only before the student leaves the school and not later, cannot be accepted for the reason that any entry in the birth certificate by virtue of registration or alteration or cancellation by the competent authority under the Registration of Births and Deaths Act, 1969, has to be



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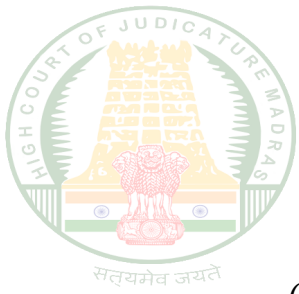


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given effect to otherwise, the purpose for registration or alteration or modification would be defeated. There cannot be different entries in the public records maintained by different authorities, one under the Registration of Births and Deaths Act, 1969 and the other by the educational authorities. The date of birth as entered in the birth extract has to be entered in all the public records uniformly, unless and until any statutory rules, restrict such entry, like in the case of a Government servant, governed by the Tamil Nadu State and Subordinate Services Rules. In the light of the above discussion, this Court is not inclined to accept the objections of the educational authorities made on the basis of the Subsidiary rules framed before the introduction of the Central Act, 1969.

31.In the light of the decision made in W.P.No.9800 of 2009, dated 21.10.2009 in R.Deepak Vs.The Chairman Tamil Nadu Uniform Service Recruitment Board, Chennai and two others, the certificate issued by the competent authority under Registration of Births and Deaths Act, 1969, and other supporting documents relied on by the present writ petitioner has to be considered.

32.For the foregoing reasons, the writ petition is allowed. There shall be a direction to the respondents to consider the birth extract and other evidence produced by the petitioner while considering his representation, dated 03.09.2009 and make necessary changes, in the date of birth



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as 19.01.1975 in the Secondary School Leaving Certificate and the Higher Secondary Course and other certificates. The petitioner is at liberty to make a representation to the respondents along with a copy of this order and that he shall produce the original certificates for making necessary corrections. No costs.”

7. The above judgment has been followed by this Court in W.P. No. 18592 of 2025, vide order dated 19.06.2025. The issue that covers the present case squarely comes within the ratio decided by this Court in the above cases. While looking at the facts of the case as cited supra, his date of birth is referred to as 26.08.1990, in his birth certificate issued by the Greater Chennai Corporation. Therefore, by relying upon the decision of the above judgements, it is appropriate to quash the impugned order.

8. In view of the above, the impugned order dated 19.12.2024, is hereby quashed. The first to fourth respondents are directed to correct the date of birth of the petitioner as 26.08.1990, instead of 26.07.1990, in the SSLC certificate and transfer certificate issued by the third and fourth respondents. The first to fourth respondents are directed to complete the said exercise within a period of eight weeks from the date of receipt of a copy of



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this order.

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9. In the result, this Writ Petition is allowed as indicated above. No costs.

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

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State Board of School Examination (SEC),
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C.KUMARAPPAN, J.

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