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WP No. 9164 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-03-2025

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THE HONOURABLE MRS JUSTICE N. MALA

WP No. 9164 of 2022

and

WMP. No. 8928 of 2022

B.Moynudheen
S/o.Basheer Ahamed, No.68, Vajravel Nagar,
1st Main Road, Molathur,
Chennai-99.

..Petitioner

Vs

1. The Joint Director of School
DPI Complex, College Road,
Chennai-6.

2. The Director of School Education,
DPI Complex, College Road,
Chennai-6.

..Respondents

Prayer : Writ Petition is filed under Article 226 of Constitution of India for issuance of writ of certiorarified mandamus, calling for records of the respondent dated 21.2.22 and made in Oo. Mu. No.008857/ M/ E3/ 2020 and quash the same and consequently direct the respondents to correct petitioners date of birth in the SSLC and HSC certificates as 22.11.89 as per birth certificate instead of 22.11.90

For Petitioner: Mr.N.A.Nassir Hussain

For Respondents: Mr.L.S.M.Hasan Fazil, AGP

ORDER

Aggreived by the order passed by the 1st respondent in proceedings in Oo. Mu. No.008857/ M/ E3/ 2020 dated 21.2.22, the present writ petition is filed.



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2. The petitioner submitted that the petitioner was born on 22.11.1989, and the same was substantiated by his birth certificate. The petitioner submitted that in his birth certificate, the petitioner's name was mentioned as B.Badhurzama, which was later changed as B.Moynudheen, as per publication made in Government Gazette, dated 18.07.2012. While so, in the mark sheets issued by the respondents for the SSLC examination, held during March 2007, bearing certificate No. 4947785 and in HSC examinations, held during March 2009, vide certificate no. 0959682, the petitioner's date of birth was wrongly mentioned as 22.11.1990 instead of 22.11.1989.

3. The petitioner further submitted that he sent a representation on 25.03.2016, to the respondents, seeking correction of his date of birth in the school certificates in conformity with his birth certificate. Since the same was not considered by the authorities, the petitioner filed a writ petition in W.P.No. 13656 of 2016, before this Court, and this Court by order dated 05.01.2022, disposed the same, directing the respondents to pass orders on the petitioner's representation, within a period of twelve weeks from the date of receipt of a copy of the order. Pursuant to the said order of this Court, the petitioner submitted a representation on 05.03.2022, enclosing a copy of the said order. The said representation was rejected by the respondents vide the impugned proceedings dated 21.2.2022. Aggrieved by the same, the present writ petitioner filed the above writ petition for the aforesaid relief.



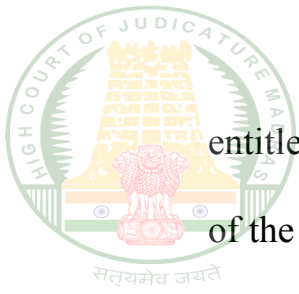
4. The counsel for the petitioner submitted that the petitioner was seeking for postponement of his date of birth but instead sought for advancement of his date of birth as given in his birth certificate. The counsel hence submitted that no prejudice would be caused to the respondents in correcting the date of birth in tune with the birth certificate.

5. In support of his arguments, the learned counsel for the petitioner relied on the following judgments of this Court;

- i. *Jayaprakash Vs. The Secretary, Department of School Education & Others in W.P.No. 250 of 2022, dated 03.01.2022.*
- ii. *Maullisha N.Y Vs. The Director of Government Examinations, DPI Campus, Chennai in W.P.No. 6026 of 2020, dated 10.03.2020.*
- iii. *M.Digvijayapandian Vs. The Director of School Education, College Road, Chennai in W.P.No. 23716 of 2014, dated 03.03.2015.*
- iv. *S.Rajesh Kumar Vs. The Secretary, Board of Higher Secondary Education, Department of Government Examinations, Madras & others in W.P(MD).No. 9340 of 2009, dated 18.09.2012.*

6. The learned counsel for the petitioner submitted that the decisions of this Court cited above were squarely applicable to the facts of the case at hand, and therefore, the respondents were bound to correct the petitioner's date of birth in the SSLC and HSC mark sheets.

7. Heard both sides and perused the materials available on record.



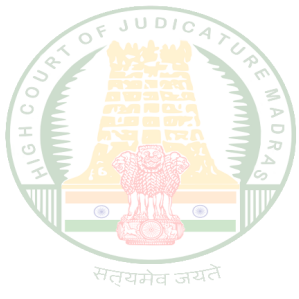
8. The core issue that arise for consideration is whether the petition entitled for correction of his date of birth in his school certificates on the basis of the date of birth certificate produced by him.

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9. As rightly contended by the learned counsel for the petitioner the issue raised in the writ petition is no longer res-integra. This Court in the case of *Jayaprakash Vs. The Secretary, Department of School Education & Others in W.P.No. 250 of 2022, dated 03.01.2022*, has considered similar issue in detail and held that correction of date of birth in school records can be entertained based on public documents such as birth certificates issued by the competent authorities, even after completion of school education. The relevant paragraphs of the judgment are extracted hereunder;

28. Reading of the statutory provisions makes it clear that the Act provides for correction or cancellation of entry in the register of births and deaths. The decision relied on by the respondents in their counter affidavit rendered in W.P.No.4244 of 1965, dated 26.10.1965 and reported in 1966 MLJ 80, is prior to the introduction of Registration of Births and Deaths Act, 1969 and the rules framed thereunder.

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 Act, 1969 and the

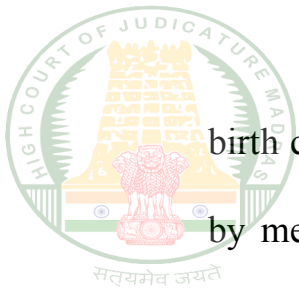


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rules framed thereunder. Needless to say that the provisions of any Central Act, will prevail over the State Act or the rules or regulations, framed by the latter, on the same subject. When the statutory provisions stated supra, enable the competent 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.

10. Admittedly, the issue on hand is similar to the issue decided by this Court in the decision referred supra. In the present case, as per the Birth Certificate, the petitioner's date of birth is 22.11.1989, whereas in his SSLC and HSC mark sheets, his date of birth has been wrongly mentioned as 22.11.1990. Hence, the petitioner submitted a representation on 25.03.2016, to the respondent, seeking correction of his date of birth in his SSLC and HSC mark sheets, as per his birth certificate. The said request was rejected by the respondents. Despite the directions of this Court to consider the petitioner's representation, the request of the petitioner was rejected by the respondents, on the basis of Section 5 of Tamil Nadu Secondary School Leaving Certificate Rules, which states that after completion of school education, corrections cannot be made in the educational certificates.



11. The respondents though did not dispute the genuiness of the date of birth certificate of the petitioner, nevertheless rejected the petitioner's request by merely relying on Section 5 of Tamil Nadu Secondary School Leaving Certificate Rules. In view of the settled law of this Court and particularly, in view of the judgment in *Jayaprakash Vs. The Secretary, Department of School Education & Others* cited supra, I am of the considered view that the respondent authorities are not justified in rejecting the petitioner's request. The respondents are bound to correct the date of birth of the petitioner in the school certificates on the basis of his birth certificate.

12. Accordingly, I find merit in the writ petition. The respondents are directed to correct the date of birth of the petitioner in the SSLC and HSC mark sheets as 22.11.1989 instead of 22.11.1990, as per the petitioner's birth certificate. The petitioner is also directed to produce the relevant documents, if any, required by the respondent authorities. The said exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

13. In the result, the writ petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

21-03-2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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To

1. The Joint Director of School
DPI Complex, College Road,
Chennai-6.
2. The Director of School Education,
DPI Complex, College Road,
Chennai-6.



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N. MALA, J.

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