



WEB COPY



W.P No.18592 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

Writ Petition No.18592 of 2025

and

Writ Miscellaneous Petition Nos.20850 & 20851 of 2025

Jothilakshmi

Rep. by her natural guardian

Amaravathi

... Petitioner

..Vs..

1.The Secretary,
Tamil Nadu Education Department,
Secretariat, Fort St.George,
Chennai.

2.The Director of School Education,
Department of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai – 6.

3.The Head Master,
Government High School,
Vadamangalam,
Krishnagiri District, Pin 635 123.

4.The Head Master,
Muthamizh Government Higher Secondary School,
Arasampatti,
Krishnagiri District, Pin: 635 201.

... Respondents



W.P No.18592 of 2025

5. The Director of Government Examination,
Directorate of Government Examination,
DPI Campus,
Chennai – 6.

... Proposed Respondents

(R5 Suo motu impleaded as per the order
of this Court, dated 19.06.2025)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to call for records of the 2nd respondent in Aa.Thi.Mu.No.226959/B5/2025 dated 01.04.2025, and to quash the same and consequently, directing the respondents to effect changes in the date of birth of the petitioner in the 10th and 12th mark sheets date 20.06.2022 and 06.05.2024 on the strength of the birth certificate dated 27.07.2007 issued by the Dharmapuri Municipality and to issue fresh certificates within a period fixed by this Court.

For Petitioner : Mr.J.Pradeep

For Respondents : M/s.Mythreye Chandru,
Special Government Pleader

ORDER

The instant writ petition has been filed with a prayer to quash the proceedings in Aa.Thi.Mu.No.226959/B5/2025 dated 01.04.2025, passed by the 2nd respondent and to direct the respondents to effect changes in the date of birth of the petitioner in the 10th and 12th mark sheets date 20.06.2022 and 06.05.2024 on the strength of the Birth Certificate, dated 27.07.2007 issued by the Dharmapuri Municipality and to issue fresh certificates within a stipulated period.

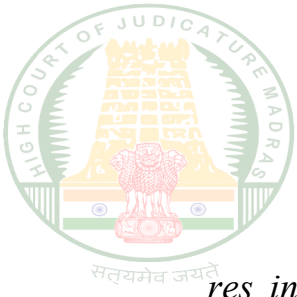


WEB COPY

2. Taking into consideration the nature of relief sought for in this writ petition, this Court *suo motu* impleaded the Director of Government Examination, Directorate of Government Examination, DPI Campus, Chennai-6 as the respondent No.5. Mrs.S.Mythreye Chandru, learned Special Government Pleader takes notice for the newly impleaded 5th respondent.

3. The learned counsel appearing on behalf of the petitioner would submit that the petitioner was born on 27.07.2007 however, in her Secondary School Leaving Certificate as well as Higher Secondary School Mark Sheet, the date of birth has been inadvertently and wrongly entered as 27.05.2007.

4. It is the submission of the learned counsel for the petitioner that to substantiate the date of birth, the petitioner has submitted her Birth Certificate to the respondents. However, by referring Rule 5 of the Secondary School Leaving Certificate Scheme and also on the ground that earlier records of the petitioner which does not reflect the birth date to be modified, the respondents rejected the petitioner's claim.



WEB COPY

5. It is the further submission of the petitioner that the issue is no longer *res integra* in view of the decision of this Court in ***W.P.(MD).No.9340 of 2009, dated 18.09.2012.***

6. Per contra, the learned Special Government Pleader appearing on behalf of the respondents would strongly object the contention of the petitioner and would submit that as per Rule 5 of the Secondary School Leaving Certificate Scheme, any request for correction in the SSLC Mark sheet is received, the alterations in the date of birth will be allowed to change only when the earlier records tally with the date, which the student wants to change. In the case in hand, all the earlier records of the petitioner reflects the date of birth as 27.05.2007 and therefore, at this stage, the petitioner cannot seek any modification of the date of birth. Hence prayed to dismiss the writ petition.

7. I have given my anxious consideration on either side submissions.

8. The issue revolves around in the present writ petition is whether the petitioner is entitled to correct the date of birth which was wrongly entered in the Secondary School Leaving Certificate and Higher Secondary School Mark



WEB COPY

Sheet? The only objection put forth by the respondents is as per Rule 5 of the Secondary School Leaving Certificate Scheme, such alteration will not be entertained.

9. In this connection, a judgment of a learned Single Judge of this Court in *S.Rajesh Kumar vs. The Secretary, Board of Higher Secondary Education, Department of Government Examinations and Ors* reported in (MANU/TN/5960/2012) has held that Rule 5 of the Secondary School Leaving Certificate Scheme was enacted prior to the advent of the *Tamil Nadu Registration of the Births and Deaths Act, 1969* (herein after referred as 1969 Act) and the rules framed thereunder.

10. The learned counsel for the petitioner would state that in 1969 Act, when there is a provision for alteration or correction of the date of birth, the subsidiary Rule 5 of the Secondary School Leaving Certificate Scheme which was enacted prior in point of time cannot have any binding force. In this connection, it is appropriate to extract para 29 of the above referred to judgment as under:

“29.Subsidiary Rule 5 of the Secondary School Leaving



WEB COPY



W.P No.18592 of 2025

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 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.”

11. In this case, to substantiate the date of birth, the petitioner has given her Birth Certificate, wherein. her birth date is referred as 27.07.2007 and it is also relevant to record that the birth of the petitioner was registered on the very same day on her birth.

12. While looking at the defence in the impugned order, dated 01.04.2025, the respondents have not challenged the authenticity of the mark



WEB COPY

sheet however, their rejection is based solely on the point that the earlier record of the petitioner did not reflect the date of birth as 27.07.2007.

Therefore, when the petitioner's date of birth has been substantiated by submitting the Birth Certificate, the rejection of the respondents by referring the subsidiary Rule 5 of the the Secondary School leaving Certificate Scheme is contrary to the Judgment of a learned Single Judge of this Court in ***S.Rajesh Kumar's*** case cited supra.

13. Hence, this Court is of the firm view that the impugned proceedings dated 01.04.2025 is liable to be quashed. Accordingly, the impugned proceedings dated 01.04.2025 is quashed.

14. In the result, 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 the representation to be given by the petitioner within a week from the date of receipt of a copy of this order and to change the date of birth in accordance with the Birth Certificate of the petitioner and other documents within a period of four (4) weeks thereafter. The petitioner is directed to give all original certificates to the respondents for making



W.P No.18592 of 2025

necessary corrections. The respondents are directed to change the date of birth of the petitioner in both Secondary School as well as Higher Secondary School Mark Sheets, within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

19.06.2025

ssi

Index : Yes

Speaking Order : Yes/No

Neutral Citation Case: Yes/No

To:

1.The Secretary,
Tamil Nadu Education Department,
Secretariat, Fort St.George,

8/10



Chennai.



W.P No.18592 of 2023

WEB COPY

2.The Director of School Education,
Department of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai – 6.

3.The Head Master,
Government High School,
Vadamangalam,
Krishnagiri District, Pin 635 123.

4.The Head Master,
Muthamizh Government Higher Secondary School,
Arasampatti,
Krishnagiri District, Pin: 635 201.

5.The Director of Government Examination,
Directorate of Government Examination,
DPI Campus,
Chennai – 6.

C.KUMARAPPAN, J.

ssi



WEB COPY



W.P No.18592 of 2025

W.P.No.18592 of 2025

19.06.2025