



WEB COPY

WP No. 16666 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2025

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

WP No. 16666 of 2024

1. D.Murugesan
S/o.K.Durairaj, No.48, 6th Street,
N.M.Nagar, C.B.Salai, Washermenpet,
Chennai-600 021.

Petitioner(s)

Vs

1. The Director Of School Education
Directorate Of School Education, Dpi
Complex, College Road, Chennai.

2.The Head Master
Corporation High School, No.12,
Stanley Nagar, C.B.Road, Chennai-
600 021.

3.The Commissioner,
Greater Chennai Corporation, Ripon
Buildings, Chennai-7 (R-3 SUO MOTU
IMPLEADED VIDE ORDER DT
25.06.2024 MADE IN WP.16666/2024
BY ASMJ)

Respondent(s)



PRAYER

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Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to change the date of birth as 31.10.1966 instead of 31.10.1965 in petitioners 8th standard Transfer Certificate and issue a fresh certificate based on petitioners representation dated 25.04.2024.

For Petitioner(s): Mr.R.Sureshkumar For
K.M.Vijayan Associates

For Respondent(s): R1 - Mr. L.S.M.Hasan Fazil, Agp
R2 and R3 - M/s.K.Aswinidevi,
Standing Counsel

ORDER

This Writ Petition is filed to direct the 2nd respondent to change the date of birth as 31.10.1966 instead of 31.10.1965 in petitioner's 8th standard Transfer Certificate and issue a fresh certificate based on petitioners representation dated 25.04.2024.

2.The petitioner studied till 8th standard and discontinued his studies and thereafter joined and worked in Canara Bank. Later, the petitioner found that in his 8th Standard Transfer Certificate, the date of birth was erroneously noted as



31.10.1965 instead of 31.10.1966. As per the petitioner's Birth Certificate, the petitioner's Date of Birth is 31.10.1966, further in all his certificates and ID proofs like Aadhaar Card, Pan Card etc., the date of birth is correctly mentioned as 31.10.1966. Therefore, the petitioner sent a representation to the second respondent to rectify the mistake and issue fresh certificate but the same was not considered. Hence the petitioner filed the above writ petition for the aforesaid relief.

3.The respondents filed their counter stating interalia that the writ petition was not maintainable as the petitioner's employer Canara Bank, who is a necessary party was not added in the writ petition. According to the respondents, as the petitioner failed to submit the relevant documents in support of his request for correcting his Date of Birth, in the Transfer Certificate, the petitioner's request could not be considered. The respondents referred to Rule 49 clause (c) of General Rules of Tamil Nadu State and Subordinate Services, and submitted that as the writ petitioner failed to apply for correction of his date of birth in his Transfer Certificate within the period of five years from the date



of entering into his service, the petitioner's request could not be considered.

The respondents prayed that the writ petition had no merits and the same deserved to be dismissed.

4.I have heard both the learned counsels and have perused the materials placed on record.

5.The learned counsel for the petitioner submitted that the petitioner is having all relevant documents with him and that the petitioner is prepared to submit the same to the second respondent and so a direction may be issued to the second respondent to consider the petitioner's request within a time frame.

6.It is pertinent to note that the issue regarding the correction of Date of Birth has been settled by this Court in catena of Judgments. The learned Single Judge in W.P.No.17107 of 2014 vide order dated 17.04.2021, followed the earlier Judgments of this Court and held as follows:

“5.The objections that have been raised by the learned



Government Advocate, have been answered in the Judgment that has been cited supra. Apart from the above judgment, this Court is taking a very consistent view that, after coming into the force of the Tamil Nadu Registration of Births and Deaths Rules, 2000 w.e.f. 01.01.2000, such corrections can be carried out in the school records when they are found to be in variance with the birth certificate issued by the competent authority.

6.It is clear from the above that the Secondary School Leaving Certificate must be in line with the birth certificate and it must reflect the correct date of birth. That apart, after coming into force of the Tamil Nadu Registration of Births and Deaths Rules, 2000, such corrections can be carried out in the School records, whey they are found in variance with the birth certificate issued by the competent authority.”

7.The said Judgment in my view squarely applies to the facts of the case.



Moreover, it is seen that the respondents in paragraph No.8 of the counter stated that if the petitioner produced the necessary documents, his representation would be considered in accordance with law.

8.In view of the above discussions, the petitioner is directed to submit a fresh representation along with supporting documents to the second respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation along with relevant documents, the second respondent is directed to consider the same and pass orders on merits and in accordance with law, within a period of eight weeks thereafter.

9.Accordingly, this Writ Petition stands disposed of with the above directions. However, there shall be no order as to costs.

22-04-2025

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Index:Yes/No



Speaking/Non-speaking order

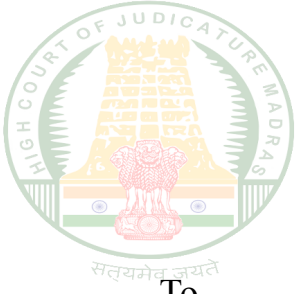
Internet: Yes

Neutral Citation: Yes/No

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