



W.P.No.25385 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2025

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.25385 of 2025

B.Manikandan

... Petitioner

Vs.

1.The Director of School Education,
Director of Government Examination,
DPI Building, College Road,
Nungambakkam,
Chennai – 600 006.

2.The Head Master,
St.Joshesh Gents Higher Secondary School,
No:G7 X6.8J2
Devikapuram Road,
Pathiyavaram, Susai Nagar,
Tiruvannamalai District,
Pincode – 632 326.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to consider and pass orders on the petitioner's representation dated 26.05.2025 regarding the granting of permission/certificate, to issue a transfer certificate and 10th class certificates dated 04.05.1990, correcting this and giving the correct date as 23.02.192 on this petition dated 26.05.2025.



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For Petitioner
For Respondents

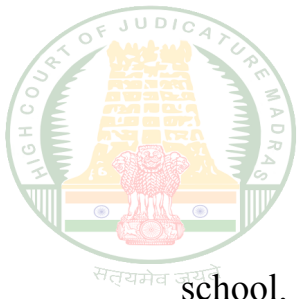
: Mr.K.N.Gnanalingam
: Mrs.S.Mythreye Chandru
Special Government Pleader
for R1
Mr.S.B.Viswanathan
for R2

ORDER

The instant Writ Petition has been filed to direct the respondents to consider and pass orders on the petitioner's representation dated 26.05.2025 regarding the granting of permission/certificate, to issue a transfer certificate and 10th class certificates dated 04.05.1990, correcting this and giving the correct date as 23.02.192 on this petition dated 26.05.2025.

2. The learned counsel for the petitioner would submit that he was born on 23.02.1992. After at the time of admission in the second respondent school, the date of birth was registered erroneously as 04.05.1990.

3. The learned counsel for the petitioner would further submit that he has given representation to the 1st respondent on 26.05.2025 requesting to change the date of birth, for which the 2nd respondent has sent reply stating that as per Subsidiary Rule 5 of the Tamil Nadu Secondary School Leaving Certificate Scheme, an application requesting change of date of birth in the



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school. After the students had completed the course and appeared for public examination.

4. The learned counsel would further submit that this Court vide order in W.P.No.250 of 2022 dated 03.01.2022 and in W.P.No.18592 of 2025 dated 19.06.2025 has already considered the similar issue and directed the respondents to correct the date of birth.

5. Per contra, the learned Special Government Pleader appearing for the 1st respondent would submit that as per Rule 5 of the Tamil Nadu Secondary School Leaving Certificate Scheme, the date of birth can only be altered during their study, and after they passed out from the school, they cannot do the same.

6. It is the further submission of the learned Special Government Pleader for the 1st respondent, that the petitioner had numerous opportunity to correct his date of birth during his period of study, whereas, he failed to do so. Therefore, by virtue of G.O.Ms.No.177, School Education (GE) Department, dated 23.12.2021, the respondents cannot make any alterations



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in the mark sheets. Hence, she prayed to dismiss this writ petition.

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

8. The short point to be considered is whether the respondents have power to alter the correct date of birth. In the case in hand, in order to substantiate the correct date of birth namely 23.02.1992, the petitioner relies upon his birth certificate issued by the Tiruvallur Municipality. Wherein, the petitioner's date of birth was registered before the Registering Authority on 25.02.1992 immediately after the petitioner's birth on 23.02.1992. Whereas in the mark sheet and the transfer certificate the date of birth is mentioned as 04.05.1990. While looking at the birth certificate, the petitioner appears to have born on 23.02.1992. Now rejection of the respondent is based upon the Subsidiary Rule 5 of the Tamil Nadu Secondary School Leaving Certificate Scheme. In this regard, it is appropriate to refer the judgment of this Court in W.P.No.18592 of 2025 dated 19.06.2025, wherein, this Court after referring the judgment of the learned Single Judge of the Madurai Bench of this Court in W.P.(MD).No.9340 of 2009 dated 18.09.2012 has held that the authority can substitute the correct date of birth, notwithstanding the above Rule.



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9. It is not the case of the respondent about filing of any appeal against the above order. Thus the legal position has reached its finding. It is in this background, it is apparent that the respondents are competent to change the date of birth, if they otherwise satisfied that they have entered the wrong date of birth.

10. In the case in hand, the only impediment is for the respondents is Rule 5 of the Tamil Nadu Secondary School Leaving Certificate Scheme, whereas, as per the above judgment, this Court has already decided that above rule will not impinge upon the power of the respondents to alter the correct date of birth if otherwise satisfied the merit of the application given by the petitioner for the change of date of birth. Therefore, this Court is of the view that the respondents can correct the date of birth subject to the proof and genuinity of the actual date of birth of the petitioner.

11. In view of the same, liberty is given to the petitioner to give a fresh representation to the concerned respondent along with all required



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certificates, and if such application is received, the concerned respondent is directed to proceed according to its own merits and in accordance with law and correct the date of birth subject to the proof of the date of birth and the genuinity of the birth certificate, within a period of four weeks, from the date of receipt of a copy of this order.

12. In the result, this Writ Petition stands allowed. No costs.

13.08.2025

Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No
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To

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