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W.P.No.37112 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.37112 of 2025

M.Sharukkhan

... Petitioner

Vs.

1.The Director,
The Directorate of Government Examinations,
Chennai 600 006
2.The Joint Director(Personnel),
The Directorate of Government Examinations,
Chennai 600 006
3.The Headmaster,
Government Higher Secondary School,
R.Pudupalayam, Rasipuram Taluk,
Namakkal 637 406
4.The Controller of Examination,
Government Arts College (Autonomous),
Salem 636 007

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the



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records relating to the impugned order dated 12.09.2025 in RC.No.012966/B5(1)/2025 passed by the second respondent, quash the same and further direction, directing the respondents to correct the date of birth of the petitioner as 26.10.1996 instead of 20.06.1996 in the Mark Sheets of X Std., XII Std., UG & PG of the petitioner.

For Petitioner : Mr.A.B.Rajasekaran

For Respondents : Mr.S.Prabhakaran,
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 12.09.2025 thereby rejecting the request made by the petitioner to correct his date of birth as 26.10.1996 instead of 20.06.1996.

2. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court.

3. On perusal of records, it is revealed that the petitioner was born to M.Mubarak and Mrs.Hamitha Banu on 26.10.1996 at CK

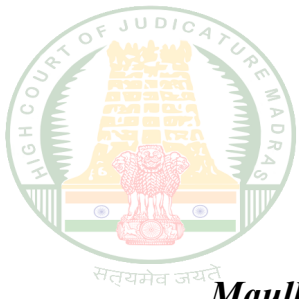


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Hospital, Erode. The birth was duly registered vide registration No.647 by the Erode Municipality under Section 12 of the Registration of Births and Deaths Act, 1969. However, at the time of his admission into school in the lower kindergarten, his date of birth was wrongly entered as 20.10.1996 instead of 26.10.1996. It was continued till his 12th standard. After completion of his 12th standard, he had joined in the Bachelor of Science degree at Government Arts and Science College, Salem and also he completed post graduation in M.Sc. Now he is working as Contracts Manager at Dynam Aviation in Ireland. However, his date of birth is mentioned in the education certificates as 20.10.1996. Therefore, he submitted representation and the same was rejected on the ground that as per the Subsidiary Rule 5 of Tamilnadu Secondary School Leaving Certificate Scheme, application requesting change of the date of birth in the certificate must not, however be entered after a pupil had completed his school course and appeared for the public examination. Therefore, no corrections can be made after writing the SSLC examinations.

4. This issue was already dealt with by this Court in the case of



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Maullisha N.Y. Vs. The Director of Government Examinations in

WP.No.6026 of 2020 dated 10.03.2020 and the relevant portion of the said judgment is extracted hereunder:

7.In view of the above, there shall be a direction to the respondents to consider the birth certificate of the petitioner and any other documents produced by the petitioner and deal with the representations made by the petitioner on 07.06.2019 and 27.01.2020 and make necessary changes in the date of birth as 11.12.1999 in the Secondary School Leaving Certificate and the Higher Secondary Course Certificate. The petitioner is directed to make a fresh representation to the respondents along with a copy of the representations dated 07.06.2019 and 27.01.2020 and a copy of this order. This exercise shall be completed by the respondents within a period of four weeks from the date of receipt of copy of this order.?

(iv)Decision of the Madurai Bench 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:

?29.Subsidiary Rule 5 of the Secondary School



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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 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



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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 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



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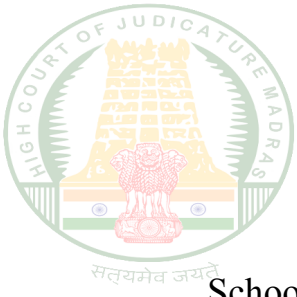
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the introduction of the Central Act, 1969.

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 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.?

5. Thus, it is clear that Subsidiary Rule 5 of the Secondary



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School Leaving Certificate scheme, relied on by the second respondent cannot be sustained in view of the provisions of any Central Act since it will prevail over the State Act or the rules or the regulations, framed by the latter, on the same subject. Therefore, as per the statutory provisions, the competent authorities under the Registration of Births and Deaths Act, 1969, can make correction or cancellation as the case may be. As such, the order impugned cannot be sustained and the same is liable to be quashed.

6. In view of the above, the impugned order dated 12.09.2025 in RC.No.012966/B5(1)/2025 passed by the second respondent is quashed. The respondents are directed to correct the date of birth of the petitioner as 26.10.1996 instead of 20.06.1996 in the mark sheets of 10th standard, 12th standard, UG & PG mark sheets, undergraduation degree and post graduation degree of the petitioner within a period of eight weeks from the date of receipt of copy of this order.

7. With the above direction, this writ petition stands allowed.



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There shall be no order as to costs.

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Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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Chennai 600 006
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The Directorate of Government Examinations,
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- 3.The Headmaster,
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R.Pudupalayam, Rasipuram Taluk,
Namakkal 637 406
- 4.The Controller of Examination,
Government Arts College (Autonomous),
Salem 636 007
- 5.The Government Advocate,
High Court of Madras

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