



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 06.02.2025**

**CORAM**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.11343 of 2017**  
**and**  
**W.M.P(MD)No. 8729 of 2017**

R.Surulirajan

... Petitioner

Vs.

1. The Director of School Education,  
DPI Campus, College Road,  
Chennai-600 006.
2. The Joint Director of School Education,  
Higher Secondary, (Vocational),  
DPI Campus, College Road,  
Chennai-600 006
3. The Chief Educational Officer,  
Theni District, Theni.
4. The Headmistress,  
Government Girls Higher Secondary School,  
Cumbum, Theni District.

... Respondents



## WEB COPY

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue of *Writ of Certiorarified Mandamus*, calling for the records pertaining to the order made in Na.Ka.NO. 41131/V1/E2/2014 dated 27.04.2016 passed by the 1<sup>st</sup> respondent and quash the same and consequently direct the 1<sup>st</sup> and 2<sup>nd</sup> respondents to alter the petitioner's date of birth as 02.11.1973 instead of 21.02.1973 in his service register based on his birth certificate.

For Petitioner : Mr.P.R.Prithiviraj

For Respondents : Mr.V.Omprakash,  
Government Advocate

### **ORDER**

This Writ Petition is filed for *Writ of Certiorarified Mandamus* to quash the impugned order, dated 27.04.2016 and also seeking consequential direction to the 1<sup>st</sup> and 2<sup>nd</sup> respondents to alter the petitioner's date of birth as 02.11.1973 instead of 21.02.1973 in his service register based on his birth certificate.



WEB COPY

2. Heard Mr.P.R.Prithiviraj, the Learned Counsel appearing for the petitioner and Mr.V.Omprakash, the Learned Government Advocate appearing for the respondents and perused the materials available on record.

3. The petitioner was recruited through the Teachers Recruitment Board for the post of Computer Instructor in the year 2008-2009. The petitioner was a successful candidate and granted appointment order through a proceeding, dated 08.11.2008. The contention of the petitioner is that he was born on 02.11.1973 and birth certificate was also issued by the competent authority stating that the petitioner was born on 02.11.1973. The said birth certificate was issued by the Civil Assistant Surgeon, Government Erskine Hospital, Madurai and his birth was also registered in the Office of the Madurai Corporation, in turn has issued birth certificate to this effect. The petitioner studied at Municipal School at Cumbum up to 7<sup>th</sup> standard and from 8<sup>th</sup> standard to 12<sup>th</sup> standard in CPU Higher Secondary School at Cumbum. Since his parents are illiterate at the time of admission, the petitioner's parents had failed to inform the exact date of birth. It



## WEB COPY

has been wrongly mentioned as 21.02.1973, but the actual date of birth is 02.11.1973. Based on the school records, the petitioner's date of birth was registered as 21.02.1973 in Service Register. When it came to the knowledge about the wrong entry of date of birth, submitted a representation to the 2<sup>nd</sup> respondent on 19.09.2012 through the 4<sup>th</sup> respondent to alter the date of birth in the service register. The said requisition has to made within a period of 5 years as per Rule 49(b) of Tamil Nadu State and Subordinate Service Rules, 1961. The petitioner's representation was forwarded, vide communication, dated 24.09.2012, in pursuance of same, the 3<sup>rd</sup> respondent sent a communication to the 4<sup>th</sup> respondent on 21.12.2012 and sought for certain clarification. In pursuance of the same, the 4<sup>th</sup> respondent, vide his communication dated 12.07.2013 clarified the queries and also submitted relevant documents.

4. Further, it came to the knowledge of the petitioner that the papers were further forwarded to the 2<sup>nd</sup> respondent, wherein the 2<sup>nd</sup> respondent sought for further clarification. The 3<sup>rd</sup> respondent, vide his letter, dated 03.07.2014 sent



## WEB COPY

a communication to the 4<sup>th</sup> respondent to furnish additional information. In pursuance of the same, the petitioner had submitted all the additional documents as sought for by the 3<sup>rd</sup> respondent and submitted the same to the 4<sup>th</sup> respondent, who in turn forwarded to the 3<sup>rd</sup> respondent. Subsequently, it has been forwarded to the 1<sup>st</sup> respondent for passing appropriate orders. The 1<sup>st</sup> respondent without application of mind had rejected the request of the petitioner, vide order, dated 19.06.2015 on the ground that the petitioner had submitted an application, after 5 years from the date of joining of the duty. Aggrieved by the same, the petitioner had filed writ petition in W.P(MD)No. 17154 of 2015 and the Court vide order, dated 22.09.2015 had set aside the order and directed the respondents to reconsider the petitioner's request and pass orders within a period of two months. Thereafter, the petitioner had submitted a fresh representation along with a copy of the order passed by this Court and requested to change his date of birth. Again, the same was rejected, vide the impugned order, dated 27.04.2016. Hence, the present writ petition is filed.



WEB COPY

5. The respondents have filed counter and stated that, if the petitioner date of birth is taken as 02.11.1973 then the petitioner would not have been eligible for attending SSLC examination conducted in the academic year 1988-1989 and the date of birth entered in the service register only based on the date of birth found in the Secondary School Leaving certificate. It is further stated that, as per Rule 49A(1) of Tamil Nadu State and Subordinate Service Rules, only the date of birth can be altered in Secondary School Leaving Certificate or Military Discharge Certificate and not otherwise. And stated that the date of birth entered in the Service Register is the date of birth found in the Secondary School Leaving Certificate. Therefore, prayer sought for by the writ petitioner cannot be granted, since there is no question of altering the date of birth in the service register. The present birth certificate was obtained after lapse of 39 years from the date of birth of the petitioner. Right from the year 1973, the petitioner is maintaining the said date of birth during education and then at the time of his appointment. All of a sudden he approached the Madurai Corporation in the year 2012 and made insertions in the original birth register and thereafter, obtained a



## WEB COPY

certificate on 23.05.2012 and based on the same, he has submitted an application seeking alteration of date of birth which cannot be entertained as per Rule 49A(1) of Tamil Nadu State and Subordinate Service Rules. Hence, the respondents pray to dismiss the writ petition.

6. After considering the rival submission, this Court is of the considered opinion that admittedly in the SSCL certificate, the date of birth was mentioned as 21.02.1973, but the petitioner has produced a certificate issued by the Madurai Corporation which clearly states the date of birth was “2<sup>nd</sup> November 1973”. But the contention of the Learned Government Advocate is that the said certificate was obtained on 23.05.2012. But the Learned Counsel for the petitioner submitted that the Civil Assistant Surgeon, Government Erskine Hospital, Madurai, has issued the birth certificate dated 29.12.1973, wherein the Hospital has clearly stated that **“Mrs.R.Suruliammal W/o.Mr.Rengarajan, delivered a male live baby on 02.11.1975”**. Based on the certificate, the Madurai Corporation has issued a registered certificate in the year on 09.06.1987 itself, where it is



## WEB COPY

stated that the date of birth was registered as 08.11.1973 and the date of birth as “2<sup>nd</sup> November 1973”. Subsequently, again the petitioner has obtained birth certificate in which also the date of birth is mentioned as 02.11.1973. From this it is evident that only in the School Leaving Certificate it has been mistakenly entered the wrong date of birth as 21.02.1973.

7. The claim of the petitioner is that since the parents of the petitioner was illiterate the date of birth was wrongly mentioned in the school certificate and the said plea is acceptable. When the birth certificate issued by the Madurai Corporation states that the petitioner's date of birth as “2<sup>nd</sup> November 1973”, then the same ought to be entered in the School Leaving Certificate and subsequently in the Service Register also. Therefore, the contention of the petitioner is acceptable. For the reasons stated, the impugned order is liable to be set aside, accordingly set aside.



WEB COPY

8. For the reasons stated supra, the Writ petition is allowed and the impugned order dated 27.04.2016 is hereby quashed. The respondents are directed to modify the date of birth of the petitioner, within a period of 8 weeks from the date of receipt of a copy of the order, whether it is applicable. No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No  
Internet : Yes

**06.02.2025**

KSA

To

1. The Director of School Education,  
DPI Campus, College Road, Chennai-600 006.
2. The Joint Director of School Education,  
Higher Secondary, (Vocational),  
DPI Campus, College Road, Chennai-600 006
3. The Chief Educational Officer,  
Theni District, Theni.
4. The Headmistress,  
Government Girls Higher Secondary School,  
Cumbum, Theni District.



WEB COPY



**S.SRIMATHY, J**

KSA

*Order made in*  
**W.P(MD)No.11343 of 2017**

**06.02.2025**