



W.P.(MD)No.35136 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.12.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.35136 of 2025

and

W.M.P(MD)No.27856 of 2025

A.George Prabhu

... Petitioner

Vs.

1. The Director,
Directorate of Government Examinations,
Chennai.

2. The Member Secretary,
State Board School Examinations,
(SEC) and Board of Higher Secondary Examinations,
College Road,
Chennai,
Tamil Nadu 600006.

3. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

4. The Headmaster,
St.Mary Higher Secondary School,
Colachel,
Kanyakumari District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus call for the records relating to the order passed by the 1st respondent in Na.Ka.No. 006962/B5(1)/2025 dated 04.08.2025 and quash the same as illegal, and consequently direct the Respondents to issue fresh 10th Mark Statement and School Transfer Certificate to the Petitioner by rectifying Petitioners date of birth from 03.04.1989 to 03.04.1988 in these documents, within the time stipulated by this Honble Court.

For Petitioner : Mr.B.Michael Sebastian

For R1 to R3 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The present writ petition has been filed seeking to quash the order passed by the 1st respondent herein and directing the respondents to issue fresh 10th standard mark sheet and school transfer certificate to the writ petitioner by rectifying the petitioner's date of birth from 03.04.1989 to 03.04.1988.



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2. According to the learned counsel appearing for the petitioner, his correct date of birth is 03.04.1988. The birth certificate has also been issued to the said petitioner. However, in the mark sheet and in the transfer certificate, the date of birth is shown as 03.04.1989.

3. Therefore, he has made a representation to the 1st respondent seeking to issue a fresh 10th mark statement and school transfer certificate incorporating the correct date of birth. The said request has been rejected by the 1st respondent herein citing subsidiary Rule 5 of the SSLC Scheme to the effect that alteration of date of birth cannot be entertained once the pupil has completed the course. This order is put to challenge in the present writ petition.

4. When a similar issue arose in the case of **Jayaprakash vs. The Secretary, Department of School Education, Secretariat, Chennai-9**, in W.P.No.250 of 2022, this Court by an order dated 03.01.2022 allowed the writ petition, wherein paragraph 10 is extracted as follows:-



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“10.Perusal of the decisions cited supra makes it clear that Subsidiary Rule 5 of the Secondary School 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.”

5. In view of the above said legal position, the order impugned in the writ petition is set aside and the 4th respondent is directed to issue a fresh 10th mark statement and transfer certificate to the writ petitioner incorporating the date of birth of the writ petitioner as 03.04.1988 in place of 03.04.1989. The said exercise shall be completed within a period of 8 weeks from the date of receipt of a copy of this order.



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6. With the above observations, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

12.12.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm

To

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R.VIJAYAKUMAR, J.

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