

E. & P. H. (1947) Department.

M/S. SERIES.

G.O. NO.

527. Edu.

Dated

16-3-47.

[Despatch Abstract.]

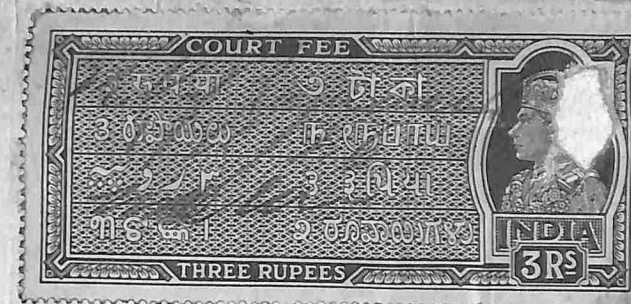
Certificate — S.S. L.C. — Alteration
of the date of birth of N. S. Ramamurthi —
Request — Negatived.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Ms	65	Legal	31-5-47.				



BEFORE THE HON'BLE THE MINISTER OF EDUCATION.

GOVERNMENT OF MADRAS.

MADRAS.

PETITION No. of 1946.

Re: S.S.L.C. Alteration of date of birth
N.S. Ramamurthi. (No. 79537)
& proceedings of the Director of Public
Instruction, Madras. L.Dis.No. 6519-E/1/46
dated 12-9-1946.

N.R. Swaminatha Iyer. ... Petitioner.

I, N.R. Swaminatha Iyer, the petitioner abovenamed
do hereby appoint and retain Mr. K.V. Ramachandra
Iyer, Advocate, to appear for me in the above -
proceedings and to conduct and prosecute the
same and all proceedings connected therewith.

N.R. Swaminatha Iyer
Petitioner.

Accepted.

K.V. Ramachandra Iyer

Counsel for Petitioner
Dated. 1-11-1946.

Address for service:-

Mr. K.V. Ramachandra Iyer, Advocate, No. 1 Sanskrit
College St. Mylapore, Madras.



To

THE HON'BLE MINISTER OF EDUCATION,

GOVERNMENT OF MADRAS. FORT. ST. GEORGE.

The Humble Petition of Sri.N.R. Swaminatha Iyer, Government Pensioner, 37 Andar Street, Teppakulam, Trichinopoly District, most respectfully sheweth:---

1. Your humble petitioner is the father of Sri.N.S. Ramamurthy, now a student in the B.Sc., Senior Class, St.Joseph's College, Trichinopoly.

2. Your petitioner's son, the aforesaid N.S. Ramamurthy was a student of the Union High School, Coimbatore in the IVth & Vth Forms and later a student of the Diamond Jubilee High School Gobichettipalayam in the VIth form, wherefrom he appeared for the public examination and took his Secondary School Leaving Certificate.

3. Your petitioner's son was born in the village of Nagayanallur, Musiri Taluk, Trichinopoly District, on 10--9--1927. Intimation to the Public Authorities of this birth was given by his brother Sri.Gopala Iyer, who was then in the village and the same was duly recorded in the Register of Births kept under Act III of 1899. Your petitioner's



To

THE HON'BLE MINISTER OF EDUCATION,

GOVERNMENT OF MADRAS. FORT. ST. GEORGE.

The Humble Petition of Sri.N.R. Swaminatha Iyer, Government Pensioner, 37 Andar Street, Teppakulam, Trichinopoly District, most respectfully sheweth:---

1. Your humble petitioner is the father of Sri.N.S. Ramamurthy, now a student in the B.Sc., Senior Class, St.Joseph's College, Trichinopoly.

2. Your petitioner's son, the aforesaid N.S. Ramamurthy was a student of the Union High School, Coimbatore in the IVth & Vth Forms and later a student of the Diamond Jubilee High School Gobichettipalayam in the Vth form, wherefrom he appeared for the public examination and took his Secondary School Leaving Certificate.

3. Your petitioner's son was born in the village of Nagayanallur, Musiri Taluk, Trichinopoly District, on 10--9--1927. Intimation to the Public Authorities of this birth was given by his brother Sri.Gopala Iyer, who was then in the village and the same was duly recorded in the Register of Births kept under Act III of 1899. Your petitioner's

---: 2 :---

father the late Rama Iyer wrote from Nagayanallur
dated 12. 9. 1927
a post-card to the petitioner, who was then a Sub
Inspector of Police at Kangayam informing him about
the birth on 10. 9. 1927. and asking him to go over for the Punya-
vachanam ceremony. Your petitioner has annexed
hereto a true copy of the said letter and also the
certified copy of the extract from the Birth Regis-
ter for reference.

4. Your petitioner states that the aforesaid
Ramamurthy is his only son. His correct date of
birth is 10--9--1927 and this is indisputably esta-
blished by the two documents referred to above.

5. By some unfortunate mistake, at the time
when your petitioner's son Ramamurthy was studying
in the Union High School, Coimbatore, the date of
his birth appears to have been wrongly given and
entered as 15--4--1927. Your petitioner is unable
to say how exactly the mistake arose, but states
that the error is only accidental and there was
no reason or occasion to give a wrong age.

6. Your petitioner finding that a serious
mistake has thus crept in immediately applied to
the Director of Public Instruction, through the
Principal of the St. Joseph's College by letter
dated 2--8--1946 for rectification of the age
in the S.S.L.C. Register Certificate, which is
the basis of the record in the Colleges also.

N. R. Swaminatha Iyer

---: 3 :---

The Director of Public Instruction however,
has declined to accede to this request on the
ground that the candidate has completed his
School Final Course and appeared for his S.S.L.C.
Examination. A copy of the said order is herein
enclosed.

7. Your petitioner states that it is but
just that public records as to the date of birth
of any individual should speak with one voice
and any mistake should be corrected when discover-
ed in the interests of accuracy and justice.
The exact date of birth of an individual is of
great importance personally for him as in various
walks of life there is a limitation as to the age
and conditions in service.

8. Your petitioner begs respectfully
to point out that in a similar case where a
correction was sought and the Director ~~referred~~
refused it, the Hon'ble the High Court of Judi-
cature, at Madras, set right the mistake by the
issue of a Writ of Mandamus directing the making
of the correction. (see Judgment of His Lordship
Mr. Justice Bell in (1945) 2 Madras Law Journal
665 = A.I.R. (1944) Madras. 187.

9. Your petitioner submits that the rules
framed by the Government in this behalf also

Put in a
Legal Dept
file - will be
put when
relevant

---: 4 :---

came up for consideration in that case and the learned Judge was of opinion that in view of the importance of the fact the correction should be made at any stage.

Your Petitioner therefore prays that necessary orders may be issued to the concerned Authorities to have the changes made and have the S.S.L.C. Certificate suitably altered by entering the correct date of birth Viz., 10--9--1927 ~~and~~ after deleting the wrong date 15--4--1927 for which act of justice Your Petitioner will ever pray.

K. Ramachandran N.R. Swaminatha Iyer

Counsel for Petitioner.

Petitioner.

I, N.R. Swaminatha Iyer, the petitioner abovenamed do hereby declare that the facts stated above are true.

Dated. 1/11/1946.

N.R. Swaminatha Iyer
Petitioner.

Hon'ble the Minister for
Education, Madras.

Petition No. of 1946.

N.R.Swaminatha Iyer. Petitioner.

P e t i t i o n .

Enc.: 1. True copy of letter

dated 12.9.1927.

2. Extract from the
report of B. S. S.

3. Order of the Director of
Public Instruction in

d. no. 6519-E1/46 dated 12/9/46

Mr.K.V.Ramachandra Iyer,
Counsel for Petitioner.

Proceedings of the Director of Public Instruction
Madras.
L.Dis.No.6519-E1/46 dated 12--9--1946.

S.S.L.C.Alteration of date of birth- N.S.Ramamurthi
No.79537.

Read. Letter dated 2--8--1946 from N.R.Swaminatha
Iyer.

The petitioner is informed that his request is
inadmissible as rules do not permit such altera-
tions after a candidate has completed his school
course and appeared for the S.S.L.C.Public Exami-
nation.

(sd).C.D.S.Chetti,
For Director of Public Instruction.

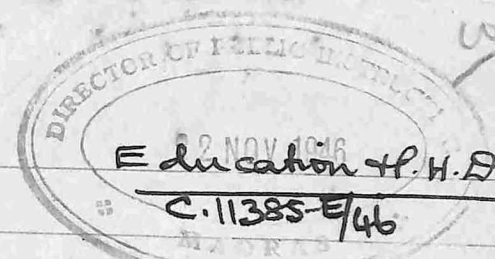
(True copy). forwarded by order.

To
Sri.N.R.Swaminatha Iyer,
37 Andar St.Teppakulam Post.
Trichinopoly.

9

20/11/46

(7)



Education H. H. Deptt (B)
C. 11385-E/46

Enclt. No. 67226-B/46 - 1 Edu dl - 20-11-1946

C 11385 E/46

Referred to the Director of Public Instruction, Madras, for very early remarks.

(By order)

Sd/-

Assistant Secretary to Govt.

KS
19/11/46
18/11/46

To

The Director of Public Instruction,
Madras.

Subj: Alteration of date of birth - N.S.Ramamurthi No. 79537.
Read: Dist. No. 67226-B1/46-1, Edn., dated 20-11-46 from the
Asst. Secretary to Govt., Education & Public Health
Dept., Madras.

2. Govt. have in their order No. Ms.39, Education, dated 12-1-44 passed orders authorising the Director to order corrections at any time in the date of birth in the S.S.L.C. only in the following cases:-

- (1) when an obviously absurd entry has to be set right, and
(ii) when a civil court directs correction in any individual case.

3. In the present case; it is a case of want of conclusive evidence which would identify the nameless child referred to in the birth certificate and the young man referred to in the petition and therefore it is not felt justifiable to recommend to Govt. the grant of the request. This is eminently a case for court investigation on the basis of sworn evidence and decision.

for Director of Public Instruction.

The Secretary to Government, Education & Public Health Dept.

13

(a)

14

E. & P. H. (g₃)

certificate — S.S.L.C. —

d. No. 67226 g₃/46.

Alteration of the date of birth

of N. S. Ramamurthi — Request —

~~14/6~~
Negatived.

PP. 1-7 d. 7.

Ref: From son N. R. Swaminatha

gov, dated, 1-11-46.

P. 15 d. 7.

From the D. P. I., R. d. No.

11385 E/46, dated, 27-2-47.

Order

MS

527

Edn., dated, 16-3-47

The petitioner is informed
that his request ^{for altering} ~~that~~ the date of
birth of his son N. S. Ramamurthi
entered in the S.S.L.C. may be
altered

~~altered into 10-9-1927~~ cannot be. X' on p. 112. N. 7.
 Complied with. He is also informed
 that the matter has to be placed
 before the civil court and a decree 'A' on p. 3, N. 7.
 obtained for rectification of the ^{Register} ~~Register~~ at
 of ~~the~~ ^{hi hi} S.S.D.C.
 13/3/47.
 13/3/47.
 To
 Sri N.R. Swaminatha Iyer,
 c/o
 Mr. K.V. Ramachandra
 Iyer, Advocate,
 No. 1, Sanskrit College
 St. Mylapore, Madras.
 (with 10-12 pages
 10-13 d. 7. to be
 sent by regd. post -
 acknowledgement due)
 dispatched
 by regd. post A.D.
 9/3
 To
 The D.P.I.

93
 Sri N.R. Swaminatha Iyer, Esq., 1-11-46.
 P. 1-7 d. No. 67226/46. From Sri K.V. Ramachandra Iyer, Advocate, 2-1-47.
 P. 15 d. No. 16507/47. From the D.P.I., R.d. No. 11385E/46, 2-2-47.
 certificate. S.S.D.C. — N.S.
 Ramamurthi No. 79537 — Alteration of date
 of birth.
 Please see the petition from
 Sri N.R. Swaminatha Iyer,
 Sri K.V. Ramachandra Iyer, Advocate, on
 pages 1-7 d. F. and the remarks of the
 D.P.I. thereon on page 15 d. F. The case
 relates to the alteration of ~~dal~~ date of
 birth of one. Sri N.S. Ramamurthi, now
 a student of the Senior B.Sc. class,
 St. Joseph's College, Trichinopoly. The
 date of the birth of the student has
 para 5 on p. 3 d. 7. been entered as 15-4-27 in the S.S.D.C.
 book while he was studying in the Union
 High School, Coimbatore. The petitioner
 requests ^{represents} that the correct date ^{of birth} of the
 para 4 on p. 3 d. 7. student is 10-9-27, as evidenced from the
 P. 12 d. 7. Copy of the extract ^{from} of the Birth Register
 submitted ^{produced} by him and that the date of
 birth of the student has been entered
 para 5 on p. 3 d. 7. in the S.S.D.C. as 15-4-27 by some mistake
 'X' on p. 5 d. 7. and requests that the correct date of
 birth viz. 10-9-27 may be entered in the
 S.S.D.C. book. The D.P.I., who was
 P. 13 d. 7. Consulted in the matter, points out that
 P. 15 d. 7. the name of the child is not mentioned
 in the copy of the birth certificate
 submitted by the petitioner, and that
 this in the ^{absence} of conclusive evidence to
 identify the nameless child referred to
 P. 12 d. 7. in the birth certificate, there is no
 justification to recommend the grant of
 the

18/3/47

the request of the petitioner. The
The Director of Public Instruction has been empowered authorised
in G.O. No. 39. Edu., dated, 12-1-44, to order
corrections at any time in the date of
birth as recorded in the S.S.D.C. only
in the following cases:-

- (1) When an obviously absurd entry has to be set right, and
- (2) When a Civil Court directs correction in any individual case.

In the present case, as neither of the above conditions is satisfied, the D.P.I. does not recommend the alteration of the date of birth of the student in question and points out that this is a case for Court investigation on the basis of of Indian evidence and decision. In the circumstances, it is for orders whether the petitioner may be informed that Govt. will not interfere with the orders passed by the D.P.I. in his L.Dis. No. 6519-E/46, D., 12-9-46. The file may be circulated to H.M. (Edu.) with reference to his minutes on p. 170.7.

After a student has completed his school course as has appeared for the S.S.D.C. examination it is not usual to alter the date of birth in the S.S.D.C. book except in cases mentioned above. The case in hand is not covered by any of these exceptions. The request may therefore be negatived in view of the D.P.I.'s recommendation on p. 150.7.

He may be informed further that the matter has to be cleared before the Civil Court and a decree obtained for rectification of the records.



3
Please see the minutes of H.M. (Edu.) on page 2 ante. A draft order is submitted.

13/3/47
ar
13/3/47

13.3.47

|| X

Abstract.

LEGAL ASSISTANCE - Application No.1308 of 1947 on the file of the High Court, Madras for alteration of date of birth in the Secondary School Leaving Certificate - Defence of the Director of Public Instruction - Sanctioned.

Legal Department

Dated the 31st May 1947.

2-100 G.O.No.Ms.65.

Read--

Letter from the Director of Public Instruction, R.C. No.11385 E/46 dated 17-5-1947.

ORDER:

His Excellency the Governor of Madras sanctions the defence at public expense of the Director of Public Instruction in Application No.1308 of 1947 filed by one Sri N.R. Swaminatha Iyer in the High Court directing the former to entertain his application dated 2-8-1946 for altering the date of birth in the Secondary School Leaving Certificate of his son N.S.Ramamurthy. This sanction is subject to cancellation or revision after the conclusion of the ~~case~~ *proceeding*.

2. The Government Solicitor, Madras, is requested to arrange for the defence of the Director of Public Instruction in the above application.

3. The Government consider that it will be sufficient for the Director of Public Instruction to put the applicant to proof of the allegation regarding the mistake in the date of birth as recorded in the Secondary School Leaving Certificate register and to undertake to carry out the necessary correction if the Court finally accepts the evidence adduced by the applicant as satisfactory. The Director of Public Instruction may also claim costs as the application was necessitated by the wrongful action of the party in having originally given an incorrect date. The counter-affidavit to be filed on behalf of the Director of Public Instruction should be on these lines.

4. The Director of Public Instruction is requested to send the counter affidavit for the approval of the Government before it is filed.

(By order of His Excellency the Governor)

K.B.Venkatachela Ayyar,
Secretary to Government.

To the Director of Public Instruction, Madras.
Copy to the Government Solicitor, through the Director of Public Instruction.
Copy to the Education and Public Health Department.

True Copy/Forwarded/By Order

a.s.31/5.

SUPERINTENDENT.

E.P.H.(g3)

Lodged. File with
4/6/47.
Ar.
4649

Application No. 1506 of 1917 on the
part of the Government of India for
the purpose of the Government of India
in the Department of Public Instruction.

Dated the 23rd May 1917.

Head...

From the Director of Public Instruction, India.
No. 1155 dated 19-5-1917.

1545

His Excellency the Governor of Madras requests the
Director of Public Instruction of India to issue a
letter to the Government of India No. 1506 of 1917
dated 23rd May 1917 for the purpose of the Government
of India in the Department of Public Instruction.
The Government of India No. 1506 of 1917 dated 23rd
May 1917 for the purpose of the Government of India
in the Department of Public Instruction.

2. The Government of India, Madras, is requested to
issue a letter to the Director of Public Instruction,
India, for the purpose of the Government of India
in the Department of Public Instruction.

3. The Government of India, Madras, is requested to
issue a letter to the Director of Public Instruction,
India, for the purpose of the Government of India
in the Department of Public Instruction. The
Director of Public Instruction, India, is requested to
issue a letter to the Government of India, Madras,
for the purpose of the Government of India in the
Department of Public Instruction. The Director of
Public Instruction, India, is requested to issue a
letter to the Government of India, Madras, for the
purpose of the Government of India in the Department
of Public Instruction. The Director of Public
Instruction, India, is requested to issue a letter
to the Government of India, Madras, for the purpose
of the Government of India in the Department of
Public Instruction.

4. The Director of Public Instruction, India, is requested to
issue a letter to the Government of India, Madras,
for the purpose of the Government of India in the
Department of Public Instruction. The Director of
Public Instruction, India, is requested to issue a
letter to the Government of India, Madras, for the
purpose of the Government of India in the Department
of Public Instruction.

(In order of the Government of India)

Director of Public Instruction, India.

To the Director of Public Instruction, India,
for the purpose of the Government of India in the
Department of Public Instruction. The Director of
Public Instruction, India, is requested to issue a
letter to the Government of India, Madras, for the
purpose of the Government of India in the Department
of Public Instruction.

1545
1545
1545