

E. P. H. (1943) Department.

Ms SERIES.

(1) closed

G.O. NO.

2950

(Edu)

Dated

21-9-49

Dy
Supt.

[Despatch Abstract.]

S.S.L.C. - Sri M. Iyengararajulu - Student
 St. Joseph's College - Tiruchirappalli - alteration
 of date of birth on the basis of an order
 issued by a Stationery II Class Magistrate
 - not approved.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
g.o.	39	edu	12/1/44				

Further Papers.

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

Education Department.

From

The Director of Public Instruction,
Madras.

To

The Secretary to Government,
Education and Public Health Department,
Madras.

Re.No.1738 E2/49 dated 5-9-1949.

Sir,

Sub: S.S.L.C. - Sri K.Govindarajulu - Alteration of
date of birth.

Ref: G.O.Ms.No.983 Edn., dated 5-4-1949.

E/pp.13-14 c.f.
in the linked file

Sri K. Govindarajulu, a student of II U.C., St. Joseph's College, Tiruchirapally, requests that the date of birth as entered in his S.S.L.C. may be corrected from 15-2-1928 to 14-7-1931. In support of this request, he has produced a copy of the order of the Stationary Second Class Magistrate (Copy enclosed) which declares that his real date of birth is 14-7-1931 and that the date of birth mentioned in his S.S.L.C. is a bonafide clerical error.

A/pp.17-18 c.f.
in the linked file

According to G.O.No.39 Edn., dated 12-1-1944, corrections in the date of birth are required to be carried out when a Civil Court directs correction in any individual case. But the order produced by the petitioner is an order passed by a Criminal Court, which does not also contain any direction as to the correction to be carried out.

He appeared for the S.S.L.C. Public Examination first in 1946 and subsequently in 1947 and 1948. The date of birth mentioned in the age declaration given by the parent when the petitioner entered upon the S.S.L.C. course, agrees with that given in his S.S.L.C. There is therefore no question of setting right an absurd entry in this case and the request is, on the merits of the case, obviously inadmissible.

No-

The point for consideration now is whether it is incumbent to act on the Stationary Second Class Magistrate's order. In the circumstances stated above, I request you to let me know whether it is the intention of Government that this sort of "Court Order" should be accepted as the basis for correction
p.t.o.

: 2 :

of date of birth as entered in the S.S.L.C.

Yours faithfully,

Therichur

$\frac{1}{2}$ for Director of Public Instruction.

KHR.5-9.

two 5/9

Copy of letter from K. Govindarajulu, Second Class, No.1395.
St. Joseph's College, Tiruchirappally to the Director of Public
Instruction, Madras dated NIL.

I beg to submit the following few lines for your kind
consideration and favourable orders.

When I was first put to school my date of birth has been
given as 15-2-1928. I appeared for the S.S.L.C. examination in the
years 1946-47 from the national High School, Negapatam. As the
marks were not sufficient to declare me eligible for college
admission I appeared in private and was declared eligible for
college course in 1948.

I joined the St. Joseph's College, Trichy in July 1948 and
now I am studying there in II U.C. and my college number is 1395.

When I got the S.S.L.C. Certificate book from National High
School in 1947, I found out that there had been some mistake,
committed by those who first put me to school, as regards my date
of birth, as I was born only on 14-7-'31 and not on 15-2-'28.

According to the register of births maintained by the
Negapatam Municipality in which area I was born my date of birth
is 14-7-31. I therefore applied to the Stationary IIInd Class
Magistrate, Negapatam, to pass orders declaring that my correct
date of birth is 14-7-31, and sent for his perusal the extracts from
the birth and death Register of the Negapatam Municipality and the
certificate from Nagore village Magistrate as to the genuineness
of my statements.

The Magistrate perused all the relevant documents and have
passed favourable orders declaring my date of birth as 14-7-31
vide his order enclosed herewith in original. I also send herewith
the endorsement of the Headmaster of the National High School,
Negapatam in support of my statement.

I humbly request you to peruse these documents and arrange
for the alteration of my date of birth as 14-7-1931, in the S.S.L.C.
book, which is sent herewith. A copy of your orders may kindly be
sent to the Principal, St. Joseph's College, Trichinopoly.

Begging to be excused for the trouble.

Copy of L.Dis.780-49 dated 26-6-1949 from the Stationary IIInd
Class Magistrate Negapattinam.

Vital statistics - Birth - Date of birth of Mr. K. Govindarajulu
of Nagore - alteration - Ordered.
Read: Application of Mr. K. Govindarajulu son of Sri Kanagasabapathi
Chettiar dated 28-5-1949 and connected records.

Order.

The date of birth of the applicant is noted as 15-2-1928 in
his S.S.L.C. book No.71250. The applicant has represented that he was
actually born on 14-7-1931 and the date 15-2-1928 is a mistake. The
evidence adduced before me are (1) Certificate of Dr. J.Y.Arthur of
Nagarattinam (2) Extracts from the birth & death registers of the
municipality showing birth of a male child to the applicant's father
on 27-8-1928 and the death of the same on 26-11-1928. (3) Extract
from the same birth register showing birth of a male child to the
applicant's father on 14-7-1931 and (4) The statement of the father
of the applicant before me dated 23-6-49. These show clearly that
the applicant's father had only one wife on 27-8-1928 and that she
could not have delivered a child on 15-2-1928 viz. about six months
prior to the date of the birth of a child actually born to her
on 27-8-1928 as per entry in the municipal birth register. The doctor
has examined the petitioner and certified to his age as 18. This age
approximately tallies with age as per the records cited as above.

p.t.o.

I consider therefore that the applicant has proved to my satisfaction that his date of birth is 14-7-1911 and that the date of birth as entered in the S.S.L.C. book is a bonafide clerical error.

(True Copies)

for Director of Public Instruction.

C.No.68770/49

E. & P.H. (G2).

Order/Ms.No. 2950 dated 21-9-49.

Sub:- S.S.L.C.- Sri K. Govindarajulu - Alteration of date of birth on the basis of an order issued by a Stationary Second Class Magistrate. ~~He is inadmissible.~~
Read:- G.O.Ms.No.39, Edn. dated 12-1-44. ~~He is inadmissible.~~
Ref:- From the D.P.I., Re.No.1738-E2/49 dated 5-9-49.

The Government agree with the D.P.I., that the request for the alteration of the date of birth in the case of Sri K. Govindarajulu, student of II U.C., St. Joseph's College, Tiruchirappalli, is inadmissible. He is informed that as already ordered in G.O.Ms. No. 39, Education, dated 12th January 1944 the corrections in the dates of birth, except where they are necessary to alter absurd entries in the S.S.L.C., should be made only on the direction of the Civil Court.

To

The D.P.I.

Note:-

In this case, the alteration in the S.S.L.C. of the student has been ordered by a Stationary Second Class Magistrate. The orders in G.O.Ms. No.39, Edn., dated 12th January 1944 are clear, i.e. that the direction should be from the Civil Court and not from the Criminal Court. The order of the Criminal Court in this case is therefore not acceptable. The D.P.I., may be informed that the Govt. agree with him. The draft Order above is for approval.

The question is whether the entry can be considered as absurd in view of the facts made

I consider therefore that the applicant has proved to my satisfaction that his date of birth is 14-7-1901 and that the date of birth as entered in the S.S.L.C. book is a bonafide clerical error.

(True Copies)

for Director of Public Instruction.

C.No.68770/49

E.& P.H. (G2).

Order/Ms.No.

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dated 21-9-49.

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The question is whether the entry can be considered as absurd in view of the finding of the Magistrate that a male

child ^{was} born to the parents of the applicants, six months after the declared birth day of the applicant. This child died within 3 months (vide A page 3 of) it would appear that the existing date is wrong on face, but as a procedure in the civil court is prescribed, it may not be correct to order amendment, without reference to it.

H. N. (S + L):

I agree.

ai

I wonder under what provision of law the magistrate enquired into the matter & what jurisdiction he has. A civil court can entertain a suit for declaration but not a criminal court. The magistrate should act under some provision of law.

Examine table him how he did this

KM
21/9

(88med as G. 6. No. 2950, Edn. dated 21-9-49). - pl ante.

Am's minute above.

The order on pages 3-4 of is that of the II Class Magistrate.

Evidently the order has

been passed under sub rule (2)

60770/64/49

74

of rule 13 of the rules for the Registration of vital statistics in municipalities - this fact does not affect the basis of the order which has already issued.

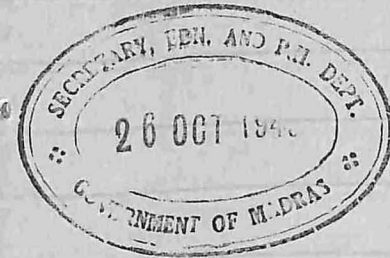
9-10-49

19-10-49

AS III

S / 25

H. N. (S + L)



Sub rule (2) of Rd 13 referred to above only gives the magistrate power to order the correction of a Birth register. That that correction has to be made is specifically provided for in sub R 3. He cannot go into the question of the correctness of the entry in the S.S. & certificate ~~to~~ book. That is not a Birth Register maintained by the executive authority of the city.

KM
21/9

No further action seems to be necessary - The papers may now be put away -

26/10/49

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 has not affect the
 which has already

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