

E. S. P. H (1949) Department.

Ms. SERIES.

G.O. NO.

983

(Edm)

Dated

5/4/49

closed

12
Subpts

31

[Despatch Abstract.]

S. S. L. C. - Correction of the entry relating to the date of birth - proposal for the revision of the present rule - not approved.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
gds	39	edu	12-1-44				

Further Papers.

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

C. No. 2141-E1/48.

Office of the
Director of Public Instruction,
Madras, dated 10th January 1949.

FROM

THE DIRECTOR OF PUBLIC INSTRUCTION
MADRAS.

TO

THE SECRETARY TO GOVERNMENT,
EDUCATION & PUBLIC HEALTH DEPARTMENT,
FORT ST. GEORGE, MADRAS.

SIR,

SUB: SECONDARY SCHOOL LEAVING CERTIFICATE-
Correction of date of birth after the pupil
leaves schools.

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Under subsidiary rule 5 of the S.S.L.C. Scheme of 1929, and with reference to G.O.No.Ms.39 Education dated 12-1-1944 applications for alterations in the date of birth recorded in the S.S.L.Cs. cannot be entertained after a pupil has completed his school course and appeared for the S.S.L.C. Public Examination, except in the following special cases:

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

In this connection, I may point out that the Hon'ble Mr. Justice Bell, in his judgment dated 28/4/1943(copy enclosed) on the application for the alteration of date of birth of B. Ramamurthy, observed as follows:

"In my opinion, the Government, there, are giving the widest discretion to the Director, that wherever a glaring case of clerical error or a bona fide mistake or manifest injustice is brought to his notice, despite all the general rules, he may make the alteration".

But from the judgment dated 26/9/1947 of the Hon'ble Mr. Justice Kunhiraman in another case of alteration of date of birth of R.S. Sreenivasan(copy enclosed) it will be seen that the evidence of birth extract was not accepted for the correction of the date of birth. In view of these judgments it would seem necessary to review the position in regard to correction of alteration of date of birth after a pupil has completed his S.S.L.C. course.

I may observe here that a certified birth extract cannot by itself be regarded as sufficient evidence to justify correction being made on the strength of it, because it cannot be said without proper investigation that the birth extract produced as evidence relates to the particular candidate and not to the candidate's brother or sister as the case may be. In many cases, it is found that several of the persons, whose requests for correction on the basis of birth extracts were negatived by the Director, go to a court for correction of date of birth, producing the same birth extracts as evidence thereof. When the matter is thus dragged to a court, it is not possible for me to contest it on facts because no investigation as to the genuineness or otherwise of the birth extracts is made by

by this department and I have no agency for making a proper investigation as to its genuineness or applicability to the person concerned.

3 The number of cases in which the courts are being resorted to is on the increase and consequently the Government have to bear unnecessary expenditure on this account, apart from the incidental correspondence connected with the suits. Further decrees are being obtained easily by the candidates, as the suits are not effectively contested by the department. To cite a recent case, for example: one Sri.L.Jagadeeswara Rao, District Munsif, Anantapur, father of L. Kishore Babu, requested the Director in July 1948 to alter the date of birth of his son from 23-9-1934 as recorded in the S.S.L.C. to 27-9-1933 on the strength of a certified birth extract. He sought this alteration when it was found that his son was underaged for admission into the University course of study i.e. I. U.C. and not before. His request was negatived by the Director. He thereupon filed a suit in the High Court at Madras seeking relief for the alteration of date of birth of his son under section 45 of the Specific Relief Act. The Government sanctioned the defence of the suit. Please see G.O.Ms. 163 Legal Department, dated 5-10-1948. In this case, the learned Advocate General was of opinion that no counter affidavit need be filed on behalf of the Government and that it was sufficient to represent to the Court, that if the court was pleased to pass an order directing the Director to correct the date of birth in the applicant's S.S.L.C. book, the same would be carried out and that the Government should be given costs in the application. The case came before the Hon'ble Mr. Justice Yahya Ali on 6-10-1948 and it was ordered that the Director should correct the date of birth of L. Kishore Babu from 23-9-1934 to 27-9-1933 and that there be no order as to the costs of that application (A copy of his judgment is enclosed).

4 This is typical of the cases taken to court. It reveals that the privileged few who can afford to go to a court of law can get advantages which are denied to persons who have not the same means. There is obviously an element of injustice in this kind. It also shows that the court decree is in effect exparte and to that extent the genuineness of the date is neither discussed nor sought to be proved as the point was not allowed to be contested by the Director for lack of evidence on his part. And also Government had to bear the costs themselves.

5 Suitable effective measures are, therefore, necessary now in order that the number of cases going to a court in this respect may be reduced to a minimum. Further, if, after investigation as to the genuineness or otherwise of the birth extracts, the requests for correction are negatived on the ground that the evidence adduced is not beyond doubt, and suits are filed for relief in this regard, then proper evidence can be let into contest the case in court, so that the court may be enabled to come to a correct decision on facts. In my opinion a birth extract is undependable and even if it is attested by a gazetted officer it would still be often unreliable, as there are the certificates of income now given by them with reference to rule 92 of the Madras Educational Rules. Under the circumstances, I recommend that the Government may be pleased to entrust the Revenue or Police Departments with the work of investigating the genuineness or otherwise of the certified birth extracts or other evidence referred to them

them by the Director and to authorise the Director to act upon the report of that department. If, however, this suggestion is not acceptable, I suggest as an alternative, that the entry relating to date of birth (column 4) on page 1 of the S.S.L.C. may be suitably modified as follows:

"Date of birth (by the Christian era and the year of birth in words) as declared by the parent or guardian".

The effect of this suggestion will be that this department will cease to have any responsibility in the matter of the correctness or otherwise of the date of birth of pupils and it will not be possible for the courts to issue a decree directing the alteration of the entry of the S.S.L.C. long after the boy or girl has left the school as though the altered date is the correct one vouched for by the Director.

6 I may also point out here that detailed instructions within the limits of the present rules and orders of Government are, however, being issued to heads of schools in the matter of making entries relating to date of birth in order to ensure that the number of cases seeking alteration of date of birth after the completion of S.S.L.C. course is reduced considerably.

Yours faithfully,

for Director of Public Instruction:

COPY OF:

Application No. 820 of 1943 dated 28/4/1943 in the High Court of Judicature at Madras (ordinary Original Civil Jurisdiction) in the matter of B. Ramamoorthy minor and Chapter VIII of the Specific Relief Act 1877.

Between:

B. Ramamoorthy minor by next friend and father
B.S. Chetti.

Applicant.

The Director of Public Instruction, Madras

Respondent:

JUDGMENT:

This is an application for a mandamus directing the Director of Public Instruction to entertain an application of the applicant dated the 23rd June 1942 and to cause the alteration of the date of birth of the applicant from 20-12-1928 which is alleged to be a mistake to 12-11-1927 in his school leaving certificate register No. 7067. The motion might have been more happily worded but its intention seems plain enough.

The applicant is one B. Ramamurthi, minor by his next friend and father B.S. Chetti. The respondent is the Director of Public Instruction, Madras. The father says in his affidavit that the son was born in Trichinopoly on 12-11-1927. Domestic trouble arose between himself and his wife as a result of which the father had to follow his railway employment in a different part of India to that in which the wife and the children went to live. When the time came for the boy to be sent to school, he was admitted to the second form of the Wardlaw High School, Bellary in or about June 1937 and for some reason or another, the

the mother who took him there and gave the required particulars of his name, birth, etc. gave the date of birth as 20-12-1928. That was done without the knowledge of the father. The student passed through the High School and in due course sat for the Secondary School Leaving Certificate Examination in March 1942. He was successful but because he appeared from the school books to be under age, this incorrect date of birth appears on his leaving certificate and under the regulations he will not be permitted to enter for his University course for one more year so that in effect, because of his mother's misstatement, he may lose a year's university education. The father on finding out the facts of this case sought out the principal of the Wardlaw High School who advised him to approach the Director of Public Instruction. He obtained a certificate from the Registrar of Births from the Trichinopoly Municipality which certificate shows the date of birth as being 12-11-1927 and applied to the Director of Public Instruction on 23-6-1942 for the alteration of the date on the leaving certificate. No reply was received to this application whereupon he wrote a reminder on 2-9-1942. The reply came on 10-9-1942 to this effect:-

"I regret I am unable to order the alteration of the date of birth in the S.S.L.C. Register of B. Ramamurthi".

A further application was sent on 9-10-1942 wherein the full circumstances of the case were again set out and a ~~request~~ certificate from the District Magistrate, Trichinopoly was enclosed as further proof of the date of birth. The Director replied on 4-11-1942.

"Since there has not been a clerical error the Director of Public Instruction regrets that he is unable to order the alteration in the entry."

Further correspondence took place and the Director took shelter under the orders of the Government issued in G.O.No. Ms. 954 Edn. dated 23-6-1941 and he advised the father to appeal to the Government. On 25-11-1942 an appeal was preferred to which the Govt. in their Memorandum No. 14388-B/42-1 Edn. dated 7-12-1942 said:-

"Sri.B.S. Chetti is informed that the general rule is that no alteration of the date of birth or other particulars recorded in the SSLC should be made after the pupil has completed the SSLC course and left school".

It is a fact that when the father made his application on 23-6-42 the pupil was still at the school. He did not terminate his connection with the school until 29-6-1942. The Government added,

"This rule is based on administrative grounds. The Government regret that they cannot make an exception".

A second appeal was thereupon preferred by the father. Attached to this were copies of Procs. in various courts which went still further to establish the date of birth as being 1927. But the Govt. rejected his petition.

He now asks under section 45 of the Specific Relief Act for an order against the Director to make the alteration because he has not in fact carried out the instructions provided in the SSLC scheme for 1929. Under this scheme subsidiary rules

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rules are made which provided for the length of the school year, age limits and entries in regard to name, date of birth etc. The practice appears to be that when a pupil attends schools for the first time his name and date of birth are taken and when he gets to form IV and enters upon the S.S.L.C. course care is taken to ascertain the correct date of birth and that date is entered in the school leaving certificate. If the date then furnished is the same as that which already appears in the school books a declaration is taken from the parent or guardian that the date of birth entered in the school register is correct and that no alteration of the date will be demanded in future on the plea that the correct age was not given at the time of admission.

That was what happened in this case. The declaration made by the mother of the pupil gives the date now said to be the wrong date and adds,

"This may be entered as final and I am prepared to prove the correctness of the date if called upon to do so." The declaration is therefore strictly not in terms a compliance with the rule and possibly in case where ignorant women are being dealt with even greater care should be taken to ensure that the correct date is entered. The rule concludes:

"These statements should be filed in the school for future reference. If this is done, there will be no need for making any alteration therein later. In any event, alterations in the date of birth of pupils will not ordinarily be sanctioned after they reach Form V. Subject to these conditions, Inspecting Officers may sanction alterations in the date of birth, but must do so only after satisfying themselves by requiring the production of the clearest evidence that the date as already entered in the certificate is incorrect and that the one proposed to be inserted is correct. Applications for alterations in the date of birth will not be entertained after a pupil has completed his school course and left the school".

On a fair reading of this rule, in my opinion, it is clearly contemplated that the occasion may arise when an alteration should properly be made. The language he shows that mistakes by parents with regard to dates are to be expected and the rule is, I think, designed to prevent frivolous applications which may cause a great deal of trouble and investigation and where the proof of incorrectness offered may in any event be unsatisfactory. In this case it would appear from the certificate that are exhibited to the affidavit and which were supplied to the Director of Public Instruction that this boy's date of birth was incorrectly entered. No application to alter it was made before he reached Form V because the father was then unaware of the incorrectness of the entry. No alteration will ordinarily be sanctioned. Is this an ordinary case? In my opinion it is not. It is not the pupil's fault that his father and mother had dissensions. Wherever possible, in my view, the alteration should be made. In my opinion the Inspecting Officers, had they been approached might well have sanctioned the alteration. They would have been satisfied by the production of a certificate of birth corroborated as that was by the certificate of the Magistrate and could have, within the scope of the rule, made the alteration. The rules provide that the application for alteration will not be entertained after the pupil has completed the school course and left the school. I think that must mean after he has left the school, that is to say, has completely severed his connection with it and where to investigate his case would involve labour and trouble, disproportionate to the merits of the case, for the school authorities. If the words mean anything, they mean that the element of physical presence in the school must be

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be taken into account and it is admitted here that his name was in the register of the school when the application was first made, viz., on 23-6-1942.

There is no question about the importance of this matter to the student. It may affect him in diverse ways throughout his career if the date on the school Leaving Certificate is any criterion of his age. I am impressed however by the Government of Madras order G.O.No.Ms.254 Edn. dated 23-7-1942 when its full terms are considered. It is somewhat informal in its language and it is as follows:

"The Government are not in favour of a modification of the general rule that alterations in the entries relating to the date of birth or other particulars in the Secondary School Leaving Certificate of a pupil should not be made after the pupil has completed his school course and left the school. They have however no objection to the correction of obviously absurd mistakes in the certificate, after the pupil has left the school."

What the words "obviously absurd" mean I cannot tell. The meaning would seem to differ according to the taste of the individual reading it. To my mind to have on a school certificate a date which does not correspond with the certificate of the register of births which is held in the pupil's other hand, is not only absurd but is one which should not be permitted to remain by any public authority. If the Register of births is maintained under the public authority then it is proper that all Government documents should bear the date as shown in those registers and that information given to them by muddled or ignorant parents should not be finally and ~~irrevocably~~ relied upon. The orders goes on to say,

"Such correctness should be made only under the orders of Director of Public Instruction and should be attested by an officer of the Educational Department not lower in rank than a District Educational Officer or Inspectress of Schools."

In my opinion the Government there are giving the widest discretion to the Director of Public Instruction that wherever a glaring case of clerical error or a bona fide mistake or manifest injustice is brought to his notice, despite all the ~~general~~ rules, he may make the alteration.

In the circumstances therefore I think it is consonant with the right and justice that the Director of Public Instruction should be ordered to consider and determine the application for alteration in accordance with the spirit of the rules and the Government of Madras order which I have just read. As there is not fault or blame which can be attached to the Public authorities and the error was due entirely to the applicant's failure or that of his parents or guardians to see that the correct date was entered in the register, there will be no order as to costs.

The rule for mandamus is therefore made absolute.

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Copy of:

Application No. 2261 of 1947 in the High Court of Judicature at Madras (Ordinary Original Civil Jurisdiction) dated the 26th September 1947.

R.S. Sreenivasan, minor by his father and next friend R.S. Subramanian. Applicant.

vs.

1. The Director of Public Instruction, College Road, Nungambakkam, Madras; 2. The Vice-chancellor of the University of Madras; 3. The Principal, Government College, Kumbakonam. Respondents.

Judgment:

This is an application presented under section 45 of the Specific Relief Act for the issue of a writ analogous to a mandamus to the first respondent who is the Director of Public Instruction, Madras directing him to correct the date of the applicant's age in SSLC from 9-4-1933 to 11-3-1932, directing the second and third respondents who are respectively the Vice-Chancellor of the University of Madras and the Principal, of the Government College, Kumbakonam, "to recognise the attendance earned by the applicant as a casual or provisional student in the Government College, Kumbakonam, from 25-7-1947 upto date as a regular student", directing the third respondent to allow the applicant to continue to attend the Government College, Kumbakonam, as a provisional student till the final disposal of this application and the second and third respondents to treat the attendance of the applicant in the Government College, Kumbakonam from 25-7-47 up to date as regular and to grant a term certificate to the applicant.

The facts are briefly as follows: The applicant is a minor son of his next friend, Mr. R.S. Subramanian who is described as holding a responsible office in Government service, being a Deputy Registrar of Co-operative Societies. The date of birth given in the school leaving certificate of the minor applicant is 9th April 1933. The applicant's father, in the affidavit filed in support of his application, states that the actual date of birth is 11-3-1932 and 9-4-1933. If the boy was born on the 9th APRIL 1933, then when he appeared for the School final Examination he was not, according to the rules applicable to that examination, legally qualified to sit for the examination. The rule requires that a boy should have completed 15 years of age on the date he sits for the examination. He had not obviously completed that age and therefore he had to apply for and obtain exemption from the operation of the rules. There is also a rule to the effect that a boy who has passed that Examination cannot be admitted as an undergraduate in the Intermediate class of any college affiliated to the Madras University unless he has completed the age of 14 years and 6 months. The minor applicant appeared for the examination and was declared to have come out ~~as~~ successful and as being eligible for admission into the Intermediate class in a college in this Province. He applied ~~x~~ to the Principal of the Government College at Kumbakonam for admission as a student in the Junior Intermediate class and then there was this obstacle in the way. He had not completed 14 years 6 months on the date of that application. The applicant's father then sent a petition to the Vice Chancellor of the University of Madras who is the second respondent to this application requesting that he may be permitted provisionally to join the Junior Intermediate class. The contents of the application will have to be dealt with a little more in detail presently. The Vice-Chancellor granted

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granted the application, but informed the applicant that the Syndicate was not prepared to grant him exemption for being admitted as a regular student in the college. He was accordingly admitted as a student provisionally and he paid his college fee. Then the applicant's father presented a petition to the first respondent who is the Director of Public Instruction, Madras asking him to correct the date of birth of his son from 9-4-1933 to 11-3-1932, and with that petition he forwarded what purported to be an extract from the birth register for the month of March 1932 of the Municipality of Srivilliputtur, his case being that the boy was born within that municipality. The first respondent was not satisfied with the contents of this certificate and he refused to make the correction. The order passed by him is extracted in the affidavit filed in support of this application. It stated:

"The Director regrets his inability to alter the date of birth of R.S.Srinivasan in his SSLC and the SSLC and the birth certificate are turned herewith." The applicant thereupon filed the present applicant for the issue of a writ under section 45 of the Specific Relief Act for the reliefs already adverted to.

The Government Solicitor represents the first respondent, the Director of Public Instruction, and states that the first respondent was not inclined to regard the extract from the Birth Register as genuine in view of the fact that in that extract the name of the boy is given viz. Srinivasan. It is stated by the learned counsel appearing for the first respondent that in case this court is satisfied that the version given by the applicant is true and that a writ under Section 45 of should be issued, he is prepared to alter the date in the certificate, but would request the court to direct that the applicant should pay the costs of this application in any event in view of his admission that it was his father's mistake which to the incorrect age being given in the School leaving Certificate. The Second respondent who is the Vice Chancellor of the University of Madras appears by Mr. Subba Rao, and in the counter affidavit filed in support of his contentions states that he is not a necessary party to this application, that he has done all that was reasonably possible for him to do and so long as the age was not corrected in the Register by the Director of Public Instruction there was nothing more than he could do. He was not the authority competent to exempt the application from the bar of age. It was the Syndicate that was vested with this authority, and in the reply communicated to the applicant's father, it was made clear that the Syndicate did not see any reason to grant the exemption. The third respondent has been unnecessarily implied as a party. He is the Principal of the Government College, Kumbakonam, and according to the provisions of section 45 of the Specific Relief Act, no writ under that section can be issued against him because he does not hold office within the local limits of the ordinary Original Civil Jurisdiction of this court. Therefore the application so far as the third respondent is concerned must be dismissed. There will be no order for costs.

The main question for consideration is whether a case is made out under section 45 for the issue of the writ to either the first or the second respondent. According to section 45 clauses (b) and (c) of the Proviso, the court must be satisfied that the doing of the act, to enforce which the writ is asked for, was clearly incumbent upon the party concerned. The court must also be satisfied that the doing of that act is consonant to right and justice. Now, what are the facts in the

the present case? As stated on behalf of the Director of Public Instruction, the extract from the Birth Register looks on the face of it to be not genuine, because it is very rarely that the name of a new born child who was born as early as 1932 is entered in the Birth Register. The child will not be named until after some days or months after its birth. In the present case reason is set forth in the affidavit filed by the applicant's father in which he says that as a special case the boy was given his name on the date ~~he~~ he was born in honour of the deity presiding in the temple at Srivilliputhur. It may be possible to accept that as a correct version provided the other dates and circumstances are in support of such an averment. There is one letter which however practically puts the applicant out of court. It was a letter written by the father of the applicant who described himself in that letter as "R.S. Subramaniam, R.A. Special Development Officer, Coimbatore" a person holding a responsible office in Government Service, and that letter is dated the 19th June 1947. After reciting that his son, who is the applicant, has passed the School Leaving Certificate Examination he stated in the first paragraph of the letter as follows:

"I approached the Government College authorities for his admission into the College for the Intermediate class. But I was told that since his date of birth is 9-4-1933 he would not completing 14½ years of age by 15-7-1947 as required by the Rules and that therefore he could not be admitted into the College."

Reference is here made to the College in Coimbatore to which place the father of the minor was transferred at that time according to the allegations made in this letter. It is clear from the wording of the second sentence that the father asserted in unequivocal terms that the date of birth of his son is 9-4-1933. Mr. Vijayaraghavachari, his learned counsel, wants to get out of this difficulty by saying that the whole sentence must be understood as referring the information obtained by the father. But he is a gentleman who is a graduate, presumably of the Madras University, who is holding a responsible office in Government Service which involves the use of English Language in ~~the~~ Official correspondent, and he says in the letter that since the date of birth of his son is 9-4-1933 he would be disqualified from being admitted into the College. It cannot be by any stretch of imagination be interpreted as meaning that he was told that the date of birth of his son is 9-4-1933 and that he was told that since his son would not be completing 14½ years of age by 15-7-1947 as required by the Rules they boy could not be admitted into the college. There is a definite averment of assertion in this letter that the date of the birth of the boy is 9-4-1933. The information obtained by the writer of the letter is clearly that because his date of birth is 9-4-1933 and the boy would not completing 14½ years of age on 15-7-1947, he could not be granted admission in the college. The letter goes on to say in the second paragraph as follows:

"This works a very great hardship to the student and to the parent. The shortage in age is only three months but he is otherwise physically fit and grown up to undertake successfully the college course and he is brilliant."

In the second sentence read above there is a definite assertion once again that the shortage in age is only three months which confirms the previous assertion that the date of birth is 9-4-1933 and it is a matter of considerable surprise that a gentleman, who is expected to be above board in his dealings especially with responsible officers like the Vice Chancellor of the Madras University, should now come forward and say through his learned counsel that he really meant that he was informed

informed that the date of birth of his son was 9-4-1933 and that that was the reason why he made the assertion in this letter. There cannot be any doubt that there are two different parts of this letter in which he has expressed himself in clear and unambiguous language that the date of birth of the boy is 9-4-1933. What happens subsequently? When the request in this letter, which was really to "Exempt him from the age limit consider the special circumstances of the case and issue orders urgently so that I can get admission for him in any college before it is too late", was not granted in spite of his statement that he was prepared to furnish medical certificate of fitness if necessary and pay any special fees if directed, he shifted his ground and came forward for the first time with the assertion that the date of birth of the boy was not really 9-4-1933 but 11-3-1932. It will be seen that there is not only a discrepancy in the year, but there is also a discrepancy in the date and in the month. There is no satisfactory explanation given in the affidavit filed in support of this application as to how these serious discrepancies occurred when the age of the boy was given when he was admitted into the School. There is thus sufficient reason for discrediting the extract from the birth Register now produced, where as already stated, the name of the boy appears without any apparent explanation by the authority that professes to have granted such a certificate.

In these circumstances, although this court certainly has got the power of issuing a writ under section 45 directing the alteration of the age in a school leaving certificate if it is satisfied that the making of such an order is consonant to right and justice and if it is satisfied that it was incumbent upon the authority concerned to make the alteration but still the authority failed or refused to make the alteration, yet, in the special circumstances of this case, it would be absolutely unfair and inequitable to insist upon the alteration of age being made in the Register by the first respondent who has a very properly refused to make the alteration. The second respondent is an unnecessary party. He had shown as much indulgence as could possibly have been shown by permitting the applicant to be admitted as a student in the Government College, Kumbakonam, provisionally subject to the alleged mistake in the age in the school leaving certificate being subsequently corrected. Since for very good reasons the age has not been altered, ~~since~~ it is not longer possible for the second respondent to do anything more in the matter. In these circumstances this application be dismissed with the costs of respondents 1 and 2, two sets.

Copy of Application No. 2814 dated 6th October 1948 in the High Court of Judicature at Madras (Ordinary Original Civil Jurisdiction)

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Under Section 45 of the Specific Relief Act:

Laru Kishore Babu, minor Guardian next firend and father Laru Jagadeswara Rao Applicant.

The Director of Public Instruction, Nungambakkam, Madras Respondent:

Upon hearing Mr.V.K. Thiruvengkatachari for Mr.N.V.B. Shankar Rao, Advocate for the Applicant and Mr.K.Veerarawami instructed & by the Govt. Solicitor for the Respondent and upon reading the notice of motion filed on the 17th September 1948, the affidavit of Laru Jagadeswara Rao solemnly affirmed on the 30th August applied on the 17th September 1948 together with the exhibits amended thereto, the applicant of Venkateswa Venkata Rao solemnly affirmed and filed on the 20th September 1948, it is ordered as follows:

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1. That the Respondent do correct the date of birth of Laru Kishore Babu, the applicant herein in the secondary school bearing certificate No. 33938-H from 23rd September 1934 to 27th September 1933, and
2. That there be no order as to the costs by this application.

X

X

X

Witness the Honourable Mr. Pakala Venkata Rajamannar, Chief Justice at Madras aforesaid this 6th October 1948.

/ True copy /

for Director of Public Instruction.

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pertaining to the
 date of birth
 of a candidate
 in his

S.S.L.C. - Correction of the entry relating to the date of birth - ^{proposed for} provision of the present rule - not approved. ~~only passed~~

Read again go. 39 Edu. d. 12.1.44.
 From the D.P.I. C.No. 2141-E1/est. d. 10.1.49.

Order Ms. No. 983 Edu. d. 5.4.49

The D.P.I. is informed that the entry in the S.S.L.C. ~~was~~ ^{should} be taken as 'prima facie' correct and that in cases where it is claimed that the entry in the S.S.L.C. was wrong, it is not considered expedient and or proper for the D.P.I. or the Govt. to conduct an investigation and ^{only a correction} If an alteration of date of birth is asked for on the basis of some evidence, the ~~onus~~ ^{onus} should be on the

P.T.O



Abstract

S.S.L.C.-Correction of the entry relating to the date of birth
proposal for the revision of the present rule--not approved.

G.O.Ms.No.983

Read:- Dt.5.4.49.

G.O.Ms.39 Education dated 12-1-44

From the D.P.I. C.No.2141/E1/48 dt.10.1.49.

Order:-

The Director of Public Instructions is informed that the entry pertaining to the date of birth of a candidate in his SSLC should be taken 'as prima facie' correct and that in Cases" where it is claimed that the entry in the SSLC was wrong, it is not considered expedient or proper for the Director of Public Instructions or the Government to conduct an investigation and order a correction. If an alteration of date of birth is asked for on the basis of some evidence, the onus should be on the party to establish that the entry was wrong; this can only be done in a Civil Court.

For these reasons the Government consider that the orders issued in G.O.Ms.39 Education dt.12.1.44 should stand.

(By Order of the Governor)

Secretary to Government,

To
The Director of Public Instructions,
Madras-6.

on the party to establish that the entry
was wrong; ~~which~~ ^{this} can only be done
in a Civil Court.

For these reasons

Consider that the orders issued in
G.O. 39 Edu d. 12.1.44 are still valid
and that the present rule ~~may~~ ^{should}
stand.

To
The D. P. I.
SC for S. 7.

2.4.49.

926

12

BEFORE THE DIRECTOR OF SCHOOL EDUCATION
NUNGAMBAKKAM. MADRAS.

Sec. Edu
SL - examination
+ part vb
20 1/2 1/2
41155

Petitioner and Industries
21 JUN 1969
GOVERNMENT OF MADRAS

of 1969

SECRETARY TO GOVERNMENT
21 JUN 1969
EDUCATION DEPARTMENT, MADRAS-3

L. Vanchinathan
S/o Lakshmanan
181, South New Street,
Tirunelveli

... Petitioner.

Humble Petition submitted by the petitioner
abovenamed most respectfully sheweth :

I appeared for the S.S.L.C. Examination held
in March 1962 through the Tilak Vidyalaya High School,
Kallidaikurichi and passed the same in that attempt.
My Register Number was 46470. After this Examination,
the High School Authority appeared to have made all
the necessary entries in all the columns including
the columns in the first page only on 12-4-62.
Since the whole S.S.L.C. Book was prepared only after
the S.S.L.C. Examination and just before the publica-
tion of the results of that examination, the School
authority, had but to do it only hastily. Hence
they had no time to send for my father and get his
declaration and signature in the appropriate place
in the first page of the Book. So the School authority
sent a letter along with a slip of paper containing
a Carbon copy of the typed matter " Declaration
by the Parent or Guardian. -

I hereby declare that the particulars recorded
against items 1 to 6 above are correct and that
no change will be demanded in future"

Signature of the Parent or Guardian.

PLH
1/6/69
88(B)
872
5

and required him to put his signature in that slip since it was urgently required.

For the publication of the result of the S.S.L.C. Examination, my father put his signature in that slip and sent it immediately after the receipt of it, to the school authority. The funny part of it was that the so called declaration did not form part of the first page containing the necessary particulars including my date of birth. The implication ~~my~~ of the declaration was not explained to him. The School authority did not also tell him that they were going to paste it and treat it as the part of the first page of the S.S.L.C. Book. Had the School authority asked my father to sign in the printed declaration in the first page, he would not have signed the same and asked the authority to rectify the defect in respect of my date of birth ; my date of birth is only 18-5-1944, whereas it is wrongly entered in the 5th column as 7-2-1943. A copy of the birth register maintained in the Office of the Registrar of Births and deaths and a copy of the Village Headman's Certificate are enclosed herewith.

2) I beg to state that the same entry has been carried out in the Register of the University when I did P.U.C. and B.Sc.Degree courses in the College. I became aware of this absurdity in respect of my date of birth only recently.

3:

3) So, the date of birth in the S.S.L.C. Book has to be corrected from 7-2-1943 to 18-5-1944. Otherwise I will be put to serious loss and damage and it will affect my career also in future.

In these circumstances I pray that the Director of School Education may be pleased to enquire into the matter, look into the Birth Extract, to given opportunity to me and my father to explain all the circumstances clearly and correct my date of birth in the 5th column in the 1st page of my S.S.L.C. Book and thus render justice.

Dt. 16-6-69

Petitioner.

Unsigned

Führ

10707-54

~~2/16~~
pp 1-54

$$\sum x = 1034$$

Despatched by
S/11

23/6/09

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$\frac{6}{2364}$

R
21/6/6

(w.e.)

Note. The ^{copy of the} Petition on the 1-5 of and the minutes of M (E&D) thereon may be perused. Under the existing orders, alterations in the entries of dates of birth in the ~~S.S.I.C's~~ of completed S.S.I.C's can be effected by the D.S.E only in the following cases:-

- But in the present case it is claimed that the declaration relating to the date of birth of was obtained from the parent

without its full implication being explained to him. In view of this the D.S.E. to whom the petition has been addressed may be asked to report what action has been taken in the matter. The draft D.G. overleaf is for approval.

23/6/69

23/6/69

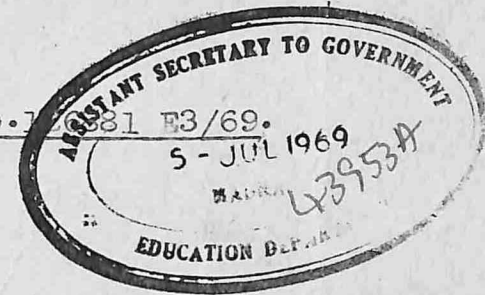
ASB
D.S.
25/6/69

ASB

D.S.

25/6/69

D.O.No. 1



DIRECTOR OF SCHOOL EDUCATION,
MADRAS-6.
Dated 4-7-1969.

Dear Thiru Ranga Rao,

Sub: S.S.L.C. - Alteration of date of birth of Thiru L.Vanchinathan.

Ref:- Your D.O.No.41155/E5/69-1 Wdn. dt. 25-6-69.

--

I enclose herewith a copy of my proceedings L.Dis.No.115273 E3/69 dated 19-6-69 in which a reply was given to Thiru L.Vanchinathan.

With reference to G.O.Ms.No.39. Education dated 12-1-1944, correction of entries in the completed S.S.L.Cs are permissible in the following cases:-

- 1) When an obviously absurd entry or clerical error has to be set right and
- 2) When a Civil Court of Law directs corrections.

According to orders in G.O.Ms.No.983 Education dated 15-4-1949, it is not expedient or proper for the Director of School Education to conduct an investigation and order correction in the completed S.S.L.Cs.

In view of the above orders of Government the request of Thiru L.Vanchinathan for correcting the date of birth in the S.S.L.C. was not completed with.

Encl: one

Yours sincerely,

(M.D. PAUL)

To
Thiru G.Ranga Rao, I.A.S.,
Deputy Secretary to Government,
Education Department,
Madras-9.

Ria
H7

COPY OF:

PROCEEDINGS OF THE DIRECTOR OF SCHOOL EDUCATION: MADRAS-6.
L.Dis.No.115273 E3/69 dt. 19-6-69.

Sub:- S.S.L.C. - Request for correction of Date of Birth - in the S.S.L.C. Book of Thiru L.Vanchinathan.

Read: From Thiru L.Vanchinathan letter dated 16-6-69.

The petitioner is informed that request for correction of date of birth cannot be entertained after a pupil completed his school course, sat for the S.S.L.C. Public Examination, marks entered and the certificate completed since the rules do not permit the same. Correction in a completed S.S.L.C. Book will be permissible in the following two circumstances:

1. When an obvious absurd entry made by the school authorities has to be set right and (2) when a civil court directs correction of date of birth in an individual case;

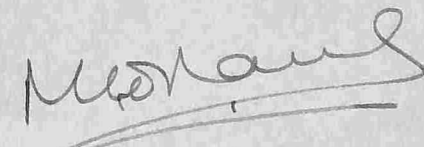
The date of birth furnished by the parent or guardian at the time of admission into the Elementary or High School alone has been entered in the school records and the S.S.L.C. Book. Further he is informed that he could have taken necessary steps to rectify the mistake at the time of signing the declaration in the S.S.L.C. book if it was genuine one.

Hence the request for correction of date of birth does not fall under any one of the items referred to in para one above, it cannot be complied with.

V.T.TITUS,
FOR DIRECTOR OF SCHOOL EDUCATION.

(TRUE COPY)

2/4


DIRECTOR OF SCHOOL EDUCATION.

Rd
4/7

DOLR NO 41155 E5/69 - 2 Edin of 9/7/69

Sub: Edin - S SLC - Alteration of date of birth of
Thiru L. Vanchinathan

Ref: My DOLR NO 41155 E5/69 - 1 Edin of 25.6.69
Your DOLR NO 12688 E3/69 of 4.7.69

p11cf
p13cf

p3cf

9/7/69

I am to state that the petitioner Thiru L. Vanchinathan has contended that his father had signed the declaration without knowing the implications of signing such a declaration. The petitioner has also alleged that the declaration signed by his ^{father} did not form part of the first page containing the necessary particulars including his date of birth. He has also stated that the school authorities did not also ^{inform} his father that they were going to paste the declaration & treat it as the part of the first page of the S SLC Book.

I am to say that your ^{reply is silent in regard} ~~attached~~ does not contain any answer to the above allegations. I am to request you to kindly send a detailed reply explaining the circumstances under which the said declaration was obtained / ^{also the} ~~such a~~ procedure now followed for obtaining the ^{may also be indicated} ~~the~~ declaration. The matter may be treated as specially urgent & a reply sent urgently.

And if the contention of the petitioner is correct, whether the declaration could be deemed valid

Dr ITD Paul
DSE
RS

9/7/69

9.7.69

TS

ES
1975
19
D.O.No.126881/E3/69

DIRECTOR OF SCHOOL EDUCATION,
MADRAS-6, Dated: 22-7-1969.

24 JUL Dear Thiru Ranga Rao,

Sub: EDUCATION - S.S.L.C. - Alteration
of date of birth of Thiru L.
Vanchinathan - Regarding.

Ref: Your D.O.No.41155/E5/69-2, Education,
dated 9-7-1969.

--oOo:--

Urgent
for
24/7/69
M
24/7

According to Subsidiary Rule 5 (Sub-para 5) of the Madras S.S.L.C. Scheme of 1948, a declaration regarding the correct age and also the correctness of particulars under items 1 to 6 of the first page in the S.S.L.C. Book should be made and signed by the parent or where there is no parent alive, by the guardian in the presence of the Headmaster. In cases where the parent or the guardian as the case may be, could not come to the school, his declaration in the form should be obtained and pasted in the S.S.L.C. Book.

2 This declaration relates to the particulars already furnished at the time of admission of the pupil. If the parent at the time of signing the above declaration wants to have a different entry, then he should have applied for the change in the entries to the District Educational Officer or the Inspectress of Girls' Schools as the case may be producing sufficient evidences. In the case under reference it appears the parent has failed to do this.

3 It is the responsibility of the parent to ascertain the contents and the purpose of the declaration signed by him. But having signed the declaration and after a period of nearly 7 years, he cannot plead ignorance and ask for the change in date of birth on the score that ~~the~~ he signed the declaration without knowing the implication to suit his conveniences.

/p.t.o./

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2
-: 2 :-

In the absence of the S.S.L.C. Book and at this distance of time (i.e.) after a period of 7 years, it may not be feasible to explain the circumstances under which the declaration was obtained by the Headmaster. With reference to sub-para 5 of the Subsidiary Rule 5 of the Madras S.S.L.C. Scheme of 1948, the declaration signed by the parent in this case is valid.

Further, with reference to G.O. Ms.No.39, Education, dated 12-1-1944, requests for alterations of entries in S.S.L.Cs. after pupils leave the school, completed their school course, sat for the Public Examination, marks entered and the certificates completed are not permissible. As per G.O. Ms. No.983, Education, dated 15-4-1949, it is not expedient or proper for the Director of School Education to conduct an investigation and order correction in the completed S.S.L.Cs.

Yours sincerely,

(M.D. PAUL)

To

Thiru G. Ranga Rao, I.A.S.,
Deputy Secretary to Government,
Education Department,
Fort St. George,
Madras-9.

Ria
23/7

23

(29)

Edn
25

10/2000 100 41155 25/69-3 Edn of 16869
Sub: Edn - S.S.L.C - Alteration of date of birth of

L. Vanchinathan

p17ct
pp18-21ct

reg: main Rang Rao's DOB 100 41155 25/69-2 Edn of 29.7.69
Dr Paul's DOB 100 126881/23/69 of 22.7.69

Shakone
16/8/69
on 13 NK

The DSE is informed that ~~he need not~~
the left consider that ^{need not be taken}
take a rigid view in the matter of alteration of
entries relating to the date of birth in the
completed S.S.L.C books. If the petitioner, main
L. Vanchinathan is able to establish his date of
birth by producing sufficient proof, the Director may
correct the mistake. The DSE is requested to
take necessary action accordingly.

By
spl review
The DSE
8/10/69
Copy for SF

12868
12/8/69

12/8/69

12/8/69

See for in 115

(C.No. 1155/E5/69)

pp1-5cf

p3 + pp19-21cf

p5cf

pp1-3cf

p1cf

originals put up
in 14520/69
with officers.

put up in
14520/69

p19cf

EDN. (E-5) Dept.

Sub: S.S.L.C. - Alteration of date of birth of Thiru L. Vanchinathan - Request.

Ref: Petition dated 16-6-69 from Thiru L. Vanchinathan addressed to the D.S.E.

From the D.S.E. D.O.Lr.No.126881/E5/69 dated 4-7-69 & 22-7-69.

"Secy. Edn.

Please examine and put up"

S. MADHAVAN,
20-6-69

The petition from Thiru L. Vanchinathan on pp.1-5 cf. may be perused. He has requested the Govt. to instruct the D.S.E. to take necessary action for correcting the entry relating to the date of birth in his S.S.L.C. from 7-2-1943 to 18-5-1944. He has contended that the following declaration was obtained from his father without the implication of such a declaration being explained to him.

"I hereby declare that the particulars recorded against items 1 to 6 above are correct and that no change will be demanded in future" The petitioner has also alleged that the declaration signed by his father did not form part of the first page containing the necessary particulars including his date of birth.

2. Under the existing orders, correction of entries in the completed S.S.L.Cs. are permissible in the following cases:

(i) When an obviously absurd entry or clerical error has to be set right; and

(ii) when a civil Court of Law directs corrections.

According to the orders issued in G.O.Ms.No.983 Education dated 15-4-1949, it is not expedient or proper for the D.S.E. to conduct an investigation and order correction in the completed S.S.L.Cs.

B. According to Subsidiary Rule 5 (sub para 5) of the Madras S.S.L.C. Scheme of 1948, a declaration regarding the correct age and

orders in circulation on p3 ante

Edn
ES

It may be stated in this connection that the DSE has stated that it is not necessary to revise the existing orders in regard to the alteration of the entry in date of birth in the completed S.S.L.Cs. The connected file sent in circulation to M(E+9) on 14.5.20.83/68 28.7.69 has not yet been received back. Only after orders are passed in the main file it would become clear whether the existing orders need be revised or modified. It is therefore for consideration whether the DSE may be informed as ordered in circulation on p3 ante. Subject to specific approval a draft memo is mtd.

1002
12868

12/8/69

13/8/69

14/8/69

EDUCATION DEPARTMENT

From

Thiru S.V.Chittibabu. M.A., B.T.,
Director of School Education,
Madras--6.

To

The Secretary to Government
Education Department,
Madras--2.

Re.No.126881 E3/69 dated 20.9.1969

Sir,

Sub: Education - S.S.L.C. - Alteration of Date of Birth
of Thiru L.Vanchinathan - Regarding.

Ref: Government Memo No.41155 E5/69-3 Education
dated 16.8.1969



With reference to Government Memo cited, I invite the

attention of Government to my letter Re.No.227528 E3/65 dated 2.5.1969 (in reply to Government Memo No.6900 E5/69-2 Education dated 23.4.1969) in regard to alterations of entries regarding date of birth in the completed S.S.L.Cs. Once the request for correction of date of birth in the completed S.S.L.C. where the wrong entry is given by the parent or guardian at the time of first admission of the pupil concerned, is conceded this office will be flooded with similar requests. The extra work involved would necessitate the appointment of minimum additional staff of atleast 1 section (1 Superintendent, 3 Assistants and 1 Typist).

2 That apart, the convention followed hitherto was having a wholesome effect in that it effectively prevented persons from giving wrong date of birth just to gain admissions for their underaged children. Any relaxation or deviation from this established convention will encourage the parents to give wrong date of birth in respect of their children

3
at the time of admission, suppressing the birth extract on some reason or other and claim different date of birth at a later date producing the birth certificate etc. It may not be difficult for the parents or guardians to produce documents such as "Birth certificates, Medical Certificate, Village Officers certificate etc., in support of their claims for different entries regarding date of birth. Thus, orders of Government issued in G.O.Ms. No.1296 Education dated 16.6.1960 prescribing minimum age limits for various standards in schools will also be nullified.

With reference to Note (1) to Appendix 4 of Madras Educational Rules satisfactory evidence in regard to date of birth may be insisted upon by the heads of schools who are responsible for the accurate entry in the admission register of the date of birth. In G.O.Ms.No.1296 Education dated 16.6.1960 Government have ordered that it is not necessary to reconcile the age given at the time of admission with the age recorded in the Birth certificate in every case as a matter of course. In other words, the production of Birth certificate should not be insisted upon at the time of admission except in doubtful cases. If the date of birth entry in the completed S.S.L.Cs. is to be altered on the basis of documents such as Birth certificate etc., then the production of Birth certificate should invariably be insisted upon in all cases of first admissions,

In the light of the above, I request Government to reconsider their orders issued in Memo No.41155 E5/69-3 Education dated 16.8.1969.

Yours faithfully,

[Signature]
22-9-69
for Director of School Education

Raman/20/9/

22-9-69

5 Edm
25

Memo no 6900 25/69-5 Edm of 11.11.69

Sub: Edm - Date of birth - Alteration in S.S.L.C

Ref: From Shri L. Vanchinalam petition of 16.6.69

Govt Memo no H155 25/69-3 Edm of 16.8.69

put up in
6900/69 sent
to Pub (Sec.) & Law
on 30.6.69

Shri L. Vanchinalam is informed that
his request for changing the date of birth in the S.S.L.C &
other records is under active consideration of Govt
& that orders will be passed as soon as possible.

root
11.11.69

b
11.11.69

L. Vanchinalam.

Shri L. Vanchinalam

Legislators' Hostel

Mount Rd, RS2

11.11.69

Copy to BSE

Edon
25

Do Memo 100690025/69 - 5 Gen of 31269

Sub: Edu. SS.L.C. - Date of birth of Thiru L. Vanchinathan -

Alteration of entry in SSLC

(M.M) / p23ct
ppl-3ct

Ref: Govt Memo 1004115525/69-3 Edn of 16.8.69

From the DSE to Yamlr RC 100126881 E3/69 of 20.9.69

(M.M) / p23ct

I am to invite a reference to the memo cited & to request you to pass final orders immediately. I am also to state that the issue of orders in the case of Thiru L. Vanchinathan need not be kept pending for want of orders on the general question in regard to the alteration of entries relating to the date of birth in SSLC. Final orders may therefore

CENTRAL DESPATCH
1002
Despatch
21269
Date and Place of Despatch
DSE 256

be passed immediately in this individual case. Immediately this may kindly be treated as urgent.

Thiru S.

at
3.12.69

at
3.12.69

DS

C. 3/20/49 From the D.P.I., No. 2141-E1-48 dated 10-1-49.

S.S.L.C. - Correction of the entry relating to the date of birth.

In a number of cases, of late, the Court has been moved by persons, for an order for the alteration of the date of birth as entered in the S.S.L.C. The applications to the Court are made after the D.P.I. has rejected petitions for the alteration of the date of birth. No defence worth the name is put in, before the Court, on behalf of the Director in such cases. Recently, in a few cases, parties have secured an alteration of the date of birth in the S.S.L.C., after getting the orders of the Court.

2. The Director has in this connection stated that the privileged few who can afford to go to a Court of law get advantages which are denied to persons who have no means, and he has suggested that suitable measures are necessary to minimize the number of cases going to the Court. His suggestion is that when an extract of a birth register is submitted by a person as evidence of a particular date of birth and a request made for alteration of the date in the S.S.L.C., on the basis of that extract, an investigation should be made by a suitable Agency, as to the genuineness of the birth extract produced, and the Director should then pass orders on the request after getting a report on this investigation. In cases where the Director rejects applications even after such an investigation and suits are filed in Civil Courts, the suits can be contested and proper evidence can be let in. For these reasons, he recommends that the Revenue or the Police Dept may be entrusted with the work of this investigation.

3. The Director's alternative suggestion is that the entry relating to the date of birth in the S.S.L.C. on page 1 of the Certificate may be altered so as to require the following:

"Date of birth (by the christian era and the year of birth in words) as declared by the parent or guardian"

1/5 is in a sense
in place of all
the other things
which are done
in the office
of the Director
of Births
and Deaths
in the
S.S.L.C.

One point is that
the Director is
not in a position
to make a
decision on
the basis of
the evidence
produced.

The Director is not in a position
to make a decision on the basis of
the evidence produced by the
person who has applied for the
alteration of the date of birth.

9 do not
see that it
is possible
to alter the
date of birth
in the S.S.L.C.
on the basis of
the evidence
produced by
the person who
has applied for
the alteration.

According to the Director, the department will, in this case, cease to have responsibility for the correctness of the date of birth and the Civil Courts may not issue directions to the Director.

4. The present rules relating to the alteration of the date of birth in the S.S.L.C. are contained in subsidiary rule 5 as amended by the orders in G.O. No. 39, Edn., dated the 12th Jany. 1944. Under the rules no alteration is ordinarily permissible after the pupil has completed his school course. In the G.O. referred to above the Govt. with a view to providing for special cases, authorized the Director to order corrections, at any time, in the date of birth as recorded in the S.S.L.C. in the following circumstances:-

(i) when an obviously ^{absurd} ~~absurd~~ entry has to be set right; and

(ii) when a Civil Court directs correction in any individual case. || The corrections are to be made only under the Director's orders and should be attested by an officer of the Education Deptt. not lower in rank than a D.E.O. or an Inspectress of Schools. These orders passed in 1944 were rendered necessary by the orders of the High Court in a Mandamus application in 1943.

5. The question now for consideration is whether the Govt's orders of 1944 giving power to the Director to alter the date of birth in the S.S.L.C. in certain circumstances, ^{should stand}, or whether those orders should be modified so as to throw the entire responsibility for the correctness of the date of birth on the parent or guardian, as suggested by the Director at 'N' on p.3 c.f. The orders of 1944 were passed after full consideration. It does not seem to be desirable to modify these orders. The balance of advantage seems to be in favour of retaining these orders and ~~making~~ making a new provision for investigation when applications for alteration are received by the Director. This investigation may perhaps be made by the Revenue Dept. in municipal as well as rural areas. In rural areas, the village

N on
- p3y

H/17-18y.

H/18y.

(H)

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7-3-49

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headman is the Registrar of Births while in ~~the~~ municipal areas a separate Birth Registrar functions under the Health Officer. There seems to be no objection to the Revenue Dept. making the necessary inquiries as to the genuineness of particular birth extracts produced for purposes of alteration of the dates of birth in ~~cases~~ ^{cases arising in both these areas.}

6. If the above suggestion is agreed to, the Bd. of Rev. may perhaps be consulted in the matter. Revenue may see the case for remarks.

WBS
5.3.49

m
7-3-49

S/Rev.

Please see the discussions in (S), xxx at pp.7-8 N.F. of (H) and the D.O. to the D.P.I. at pp 13-14 N.F. of (H). The considerations referred to there are still valid. The main point is that the entry in the S.S.L.C. has to be taken as prima facie correct, and that except in cases where ^{or} obviously an absurd entry has to be set aright (which the D.P.I. has been empowered to do), In other cases, where it is claimed, ^{after the school course was completed,} that the entry in the S.S.L.C. was wrong, it would not be expedient or proper for the D.P.I. or the Govt. to embark upon investigation and order a correction; the onus would be on the party who claims the entry in the S.S.L.C. was wrong, to establish that it was wrong and to show what the correct entries ^{it is to explain why it was not corrected in time (during the school course)} should be; and the proper forum for ~~all~~ this, would be only a civil court.

At page 8 N.F. of (H), it was suggested that the question might be reconsidered, if suits in any number come along. But there has not been any alarming number of suits; so, I think, there is no case for reconsidering the previous orders.

There is no need to order any investigation to be done either by the Revenue or the Police Department,

A ||

B

in view of the general position indicated above; the previous orders may be left to stand just as they are.

PUBLIC (SERVICES) DEPARTMENT

Please see the D.P.I.'s letter on pp.1-3 c.f. and the notes of E & P.H. from p.1 above. This department may agree with the E & P.H. Secretary that the existing orders may be left as they are.

2. The file may be passed on to Legal.

22 P.H. No. No

3120/42/49-1



1 Legal Pub (Ser. A) no. no.

820/49.1

1873/49.

3360



Yes - 3360/49-1

22/3/49



3120/49

H/17-18

Page 5 on p.29

Secy's note on pages 2-4 and

EDN. & P.H. (G2).

The orders in G.O. No. 39, Edn., dated the 12th Jany. 1944 are that correction in the date of birth in the S.S.L.C., if required in any individual case, should be made by an order of the Civil Court. The D.P.I., in his letter in the c.f., has suggested that in order to minimise the number of cases going to the Court, provision may be made in the rules for an investigation by the Rev. or the Police Dept. wherever an application for correction of the date of birth is made.

The considerations on which the orders of 1944 are based are still valid. Moreover, in cases of this kind, it is not considered expedient or proper for the D.P.I. or the Govt. to embark upon an investigation. The correct position should be that if an alteration of the date of birth is asked for on the basis of some evidence, the ~~onus~~ ^{onus} should be on the party to establish that the entry is wrong and needs correction. It is considered that all this could be done only in a Civil Court.

It is for orders whether the present rule may stand.

It is (Edn) may see -

26.3.49. 28-3-49



TSA 31.3.49

22 P.H. (G2)

The draft order below is for approval.

24/4/49 2.4.49.

Most Immediate

Education Department

Issue a Memo to Thiru Vanchinathan immediately to say that his request for changing the date of birth in the SSLC and other records is under active consideration of Government and that orders will be passed as soon as possible.

A.S.(B)

A draft memo is under for approval.

102
11.11.69

h
11.11.69

Issued as Memo 1006900 E5/69-5 Eln dt 11.11.69

PTD

3
Extracts from Note File bearing C.No.6900/E5/69 of Education Dept.

Sub: W.P.No.2726/65 in the High Court, Madras - Alteration of date of birth of Thiru R. Krishnan.

Ref: From the D.S.F. Lr.Rc.No.227528/E3/65 dt. 25-1-1969

XXX

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XXX

LAW DEPT.

The Gazetted Personal Asst. to Minister (E & H) today enquired about the stage of the request for the alteration of date of birth of Thiru L. Vanchinathan dealt with in the papers at (MM) and said that Minister desires that a memo be issued to the Director of Secondary Education inviting reference to Memo No.41155/E5/69-3 Education dt. 16-8-69, asking him to pass final orders in the matter immediately. He also said that the issue of orders in the case of Thiru Vanchinathan need not be kept pending the general question of issue of revised instructions proposed in this file. Education may kindly take necessary action in this regard, by separating the file of Thiru Vanchinathan.

2. The following remarks are called for on the proposal of Education at page 17 ante.

As already stated by this Department in its Note at pages 4-5 ante it is open to the Govt. to provide for a revised procedure for alteration of date of birth in the S.S.L.C., etc. It may be noted in this connection that under General Rule 49, applications for alteration of date of birth of persons entering Govt. service are to be made to the Tamil Nadu Public Service Commission or the appointing authority as the case may be and that the Board of Revenue has to submit a report in the matter after investigation by an Officer not below the rank of a Deputy Collector before final orders are issued by the Tamil Nadu Public Commission or the appointing authority as the case may be. Under the said General

Rule 49 with regard to applications received after five years after entering into service, the authority concerned after getting the report of the Board of Revenue shall submit the case to the Govt. with its recommendation and the Govt. shall after consulting the Tamil Nadu Public Service Commission pass orders thereon. In the instant case also it is desirable that the investigation is done by the Revenue Dept., etc. as suggested at 'M' on page 19 ante or by an Officer not below the rank of Revenue Divisional Officer and the report is prepared by an independant authority, viz., the Board of Revenue. Secretary, Education has stated that cases of requests for alteration of date of birth may be very few. It is, therefore for consideration whether final orders on the applications may not be passed by the Govt. themselves after considering the report of the Board of Revenue. If this is not acceptable it is for consideration whether the final orders may not be passed by the Head of the Dept. i.e. Director of Secondary Education, which is an authority higher than the Joint Director and an appeal may not lie to the Govt. against the orders passed by the Director of Secondary Education.

(In.) xx
29-11-69

(In.)xx
S.

Spoken to Secy. today

- (1) Action as regards the case of Thiru Venchinathan may be taken as indicated at 'A' of p.22 ante by Law immediately
- (2) As regards the General question a circulation note may be put up.

(In.) O.R.
1-12-69
D.S. (Edn.)

/True Extracts/

Harapuran

6900/69

Wot the opre of Law Dept on p 3 ante + orders of D.S on p 4 ante
a draft memo is mld for appl.

mm
212/69

1/8
2/11/69

21/12/69

31/12/69

3.12.69



தமிழ்நாடு சட்டமன்றப் பேரவை

அரசினர் உறுதிமொழிக் குழு 1979-80

நான்காவது அறிக்கை

(ஆறாவது சட்டமன்றப் பேரவை)

பேரவைக்கு அளிக்கப்பெற்ற நாள்: நவம்பர் 9, 1979

தமிழ்நாடு சட்டமன்றப் பேரவைத் துறை
சென்னை-600 009.

