

GAHC010014982021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/556/2021

HABIB KHAN
S/O LATE RUSTOM ALI KHAN
RESIDENT OF MANASPARA WARD NO. 1, PO AND PS LAKHIPUR, DIST
GOALPARA, ASSAM, 783129

VERSUS

THE BOARD OF SECONDARY EDUCATION AND 3 ORS
REPRESENTED BY ITS CHAIRMAN BAMUNIMAIDAM, GUWAHATI 781021

2:THE SECRETARY
BOARD OF SECONDARY EDUCATION
ASSAM
BAMUNIMAIDAM
GUWAHATI 781021

3:THE CONTROLLER OF EXAMINATIONS
BOARD OF SECONDARY EDUCATION
ASSAM
BAMUNIMAIDAM
GUWAHATI 781021

4:THE HEADMASTER
FARINGAPARA HIGH SCHOOL

PO FARINGAPARA
DIST GOALPARA
ASSAM
783129

5:THE INSPECTOR OF SCHOOLS
GOALPARA DISTRICT CIRCLE

GOALPARA
P.O. AND DIST.- GOALPARA
ASSAM- 783101

Advocate for the Petitioner : MR. D A KAIYUM

Advocate for the Respondent : SC, SEBA

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 12.06.2023

Heard Mr. D.A.Kaiyum, learned counsel for the petitioner. Also heard Mr. D.K.Roy, learned standing counsel, SEBA for the respondent Nos. 1, 2 and 3 and Mr. S.M.T.Chistie, learned standing counsel, Secondary Education for the respondent No.5.

2. It is the case of the petitioner that he was born on 18.08.2000 and he got admission in Class VII at the Faringapara High School in the year 2013, wherein, his date of birth was recorded as 18.08.2000. Subsequently, the petitioner got registered with the Board of Secondary Education, Assam (SEBA in short) as a student of Class IX in the year 2015 and he appeared in the HSLC Examination in the year 2017. In the Registration Card of the petitioner issued by the SEBA on 28.06.2016, the petitioner's date of birth has been wrongly recorded as 18.08.2001. Further, the Admit Card for the High School Leaving Certificate Examination, 2017 issued by the SEBA in respect of the petitioner also wrongly shows the date of his birth as 18.08.2001. The petitioner therefore made an on-line application for correction of his Registration Card on 10.09.2019 as well as

for correction of his date of birth in the Admit Card by on-line mode on 10.09.2019. As the on-line application of the petitioner was late by 2(two) months with regard to the correction of the date of birth in his Registration Card he paid his late fine amounting to Rs.700/- (Rupees seven hundred) only by on-line mode on 01.10.2019. However, as the application made by the petitioner by on-line was rejected, the petitioner is before this Court.

3. Further case of the petitioner is that with regard to his entry of the date of birth in his Adhar Card, in the Elector Photo Identity Card issued by the Election Commission of India and also in his PAN Card his date of birth is correctly reflected as 18.08.2000.

4. The petitioner therefore prays for a direction to the SEBA for correction of his date of birth in the Registration Card as well as in the Admit Card of the petitioner with regard to his date of birth as 18.08.2000 instead of 18.08.2001.

5. The SEBA has filed counter affidavit and in the said counter affidavit, it is stated that on receipt of the present writ petition, the Secretary, SEBA had requested the Inspector of Schools, Goalpara to verify the authenticity of the documents provided by the petitioner in the writ petition. In reply, the Inspector of Schools, Goalpara furnished a copy of the Transfer Certificate of the petitioner from Lakhipur English School, Goalpara showing his date of birth as 18.08.2000 which is issued only on 05.10.2021 and a copy of the school admission register of Faringapara High School, Goalpara as supporting documents. It is also stated that after perusal of school admission register of Faringapara High School

Goalpara, the Board has observed that the date of birth of the petitioner has been corrected as 18.08.2000 in place of 18.08.2001 by overwriting in 16.01.2015 with doubtful signature of the Headmaster of Faringapara High School, Goalpara.

6. The In-Charge, Headmaster of Faringapara High School has also filed an affidavit before this Court and in para 4 of the said affidavit, it is stated that in the admission register of 2013 of the said School, the petitioner's date of birth was recorded as 18.08.2000 as per his School Leaving Certificate and Birth Certificate. However, at the time of filling up the prescribed form for registration under the SEBA as a student of Class-IX, the date of birth of the petitioner was wrongly recorded as 18.08.2001 instead of 18.08.2000 due to mistake and oversight.

7. After hearing the learned counsel for the parties, and on consideration of the materials available on record, it appears that the public documents of the petitioner i.e., the Adhar Card, Voter Identity Card and the PAN Card reflects the date of birth of the petitioner as 18.08.2000. The discrepancy arose only when the SEBA issued the Registration Card showing the date of birth of the petitioner as 18.08.2001 as well as in the Admit Card for the High School Leaving Certificate, 2017 where, his date of birth is recorded as 18.08.2001.

8. This Court on consideration of the affidavit filed by the In-Charge, Headmaster of Faringapara High School is of the considered opinion that when the required details of the petitioner was entered by the School for registration

under the SEBA, the School authorities had wrongly recorded the date of birth of the petitioner as 18.08.2001 instead of 18.08.2000.

9. Under the circumstances, the matter is remanded back to the SEBA to have a reconsideration of the case of the petitioner by verifying all relevant necessary documents including the school register of Faringapara High School, Goalpara and other connected documents. The SEBA may insist for other conditions such as declaration in the affidavit for making necessary declarations and indemnifying the SEBA from any claim against it by third party because of such correction. Thereafter, appropriate orders shall be passed by the concerned authorities of the SEBA in accordance with law after also giving a personal hearing to the petitioner within a period of 2(two) months from the date of receipt of a copy of the order of this Court.

10. With the aforesaid observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant