

Court No. - 7

Case :- WRIT - C No. - 8435 of 2023

Petitioner :- Shivam Mishra

Respondent :- State Of U.P. Thru. Prin. Secy. Secondary Education, Lucknow
And 6 Others

Counsel for Petitioner :- Bal Krishna Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Abdul Moin,J.

1. Heard learned counsel for the petitioner and learned Standing counsel appearing on behalf of the respondents no. 1 to 5.

2. No notice need be issued to the respondents no. 6 & 7 taking into consideration the nature of order proposed to be passed.

3 Instant writ petition has been filed praying for correction of the Date of Birth of the petitioner in the High School Mark-sheet.

4. The contention is that the petitioner passed the High School Examination in the year 2016. As the petitioner noticed an error in his date of birth consequently, he applied within time to the competent authority seeking correction in his date of birth. His matter was examined by the District Inspector of Schools who vide order dated 01.09.2018, a copy of which is annexure 8 to the writ petition was of the view that the petitioner is entitled for having his date of birth corrected in the high school mark sheet. Subsequent thereto, the Additional Secretary (Secondary Education) vide letter dated 26.04.2019, a copy of which is annexure 5 to the writ petition has required the petitioner to submit certain documents so that the correction can be made. Admittedly, the petitioner has failed to supply the said documents with the result that the correction in his high school mark sheet could not be made.

5. The contention of learned counsel for the petitioner is that he is not in possession of the said documents as such, he is unable to supply the said documents in pursuance to the letter dated 26.04.2019.

6. The Court is of the view that even if the petitioner is not having the said

documents it was in the fitness of thing that the said fact should have been informed to the competent authority in pursuance to the letter dated 26.04.2019 but there cannot be any occasion for the petitioner to sit over the matter and thereafter approach the Court after a period of more than four years.

7. However, considering that the matter pertains to a student and his case has been examined by the District Inspector of Schools who has found the claim of the petitioner to be correct accordingly, the writ petition is disposed of leaving it open to the petitioner to respond to letter dated 26.04.2019 sent by the Additional Secretary (Secondary Education) within a period of two weeks from today. In case, a response is sent by the petitioner in pursuance to the aforesaid letter then the competent authority shall proceed to consider the said reply in accordance with law and pass a reasoned and speaking order upon the same within a period of four weeks from the date the petitioner submits his reply.

Order Date :- 18.10.2023

Pachhere/-