

GAHC040010762023



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

Case No. : WP(C)/370/2023

Miss Papi Gyadi
daughter of Talam Gyadi, Resident of Tagang Warrang village, PO Gyawepurang, PS
Seppa, East Kameng District, Arunachal Pradesh. Mobile No. 7085425339

VERSUS

1. The Central Board Secondary School Education and Anr.
Community Centre, Preet Vihar, New Delhi 110092, represented by its Secretary.
2. The Central Board Secondary School Education
Regional Officer
Shilpa Gram Road near Sankardev Kalakshetra
Panjabari
Guwahati 78103
represented by its Deputy Secretary

Advocate for the Petitioner : Arup Bhattacharjee, G T Sangma, L Kagung

Advocate for the Respondent : Ms. R. Bora

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 30.09.2024

Heard Mr. L. Kagung, learned counsel for the petitioner and also heard Ms. R. Bora, learned Standing Counsel for the Central Board of Secondary Education (CBSE), representing the respondents.

2. By filing this writ petition, the petitioner has sought for a direction to the respondents/Central Board of Secondary Education (CBSE) to correct the date of birth in class X certificate of the petitioner.

3. It is projected that the petitioner was admitted in the Government Secondary School, New Seppa in the year 2006 and passed class VIII standard from the said school in the year 2010. As per the admission record and the school leaving certificate, the petitioner's date of birth is recorded as 29.06.2000, which is also fortified by the birth certificate issued by the Department of Economics and Statistics Office at Seppa, wherein it is recorded the date of birth of the petitioner as 29.06.2000. The petitioner, thereafter, admitted in the Government Higher Secondary School, Seppa in class IX, wherein the correct date of birth i.e., 29.06.2000 was recorded.

4. It is contended that while filling the forms for registration in class X, she has correctly filled up the forms as required by the respondents/CBSE. In the year 2012, the petitioner has passed the class X standard. On receipt of the pass certificate, it is found that the date of birth of the petitioner is wrongly recorded as 29.06.1994 instead of 29.06.2000. Thereafter, the petitioner has

informed the school authority for correction of wrong recording of date of birth by the respondents. In class XII, the date of birth is recorded correctly as 29.06.2000. However, in view of the wrong recording of her date of birth as 29.06.1994 in class X certificate, the petitioner is facing undue hardship.

5. The petitioner again has approached the Principal of Government Higher Secondary School, Seppa for correction of the date of birth in class X pass certificate. Accordingly, the Principal, Government Higher Secondary School, Seppa vide letter dated 16.08.2019 has forwarded the case of the petitioner to the Regional Officer, Central Board of Secondary Education, Guwahati, clearly stating that due to clerical error, the date of birth of the petitioner was wrongly entered as 29.06.1994, in place of 29.06.2000 and requested for correction of the same. However, the respondents have refused to correct the date of birth of the petitioner, on the ground that as per the bye-laws vide notification dated 01.02.2018, any correction of date of birth has to be made within 5(five) years from the date of declaration of the result. Hence, this present writ petition.

6. I have considered the submissions of the learned counsels appearing for the parties and perused the materials available on record.

7. Admittedly, as per the birth certificate issued by the Department of Economics and Statistics dated 16.06.2005 and the entries in the school admission register as well as the transfer/school leaving certificate, the date of birth of the petitioner is recorded as 29.06.2000, whereas the class X pass certificate reflects the date of birth of the petitioner as 29.06.1994.

8. The petitioner having found the incorrect recording of her date of birth has approached the school authorities, i.e., the Headmaster and the Principal for correction of the date of birth. The Principal vide letter dated 16.08.2019 has forwarded the same to the concerned authorities. However, in view of the bye-laws providing for correction of date of birth to be made within 1(one) year from the date of declaration of the result, the same could not be considered and corrected.

9. The relevant provisions of bye-laws of the CBSE vide notification dated 01.02.2018 are reproduced herein below:

“69.2 (Correction in Date of Birth)

- i. Corrections to correct typographical and other errors to make the certificate consistent with the school records can be made provided that corrections in the school records should not have been made after the submission of application form for admission to Examination to the Board. Such correction admission to Examination to the Board;*
- ii. Such correction in Date of Birth of a candidate in case of genuine clerical errors will be made under orders of the Chairman where it is established to the satisfaction of the Chairman that the wrong entry was made erroneously in the list of candidates/applications form of the candidate for the examination;*
- iii. Request for correction in Date of Birth shall be forwarded by the Head of the School alongwith attested Photostat copies of:*
 - a) application for admission of the candidate to the School;*
 - b) Portion of the page of admission and withdrawal register where entry in date of birth has been made along with attested copy of the Certificate issued by the Municipal Authority, if available, as proof of Date of Birth submitted at the time of seeking admission; and*

- c) the School Leaving Certificate of the previous school submitted at the time of admission.*
- iv. The application for correction in date of birth duly forwarded by the Head of school along with documents mentioned in byelaws 69.2(iii) shall be entertained by the Board only within one years of the date of declaration of result. No correction whatsoever, shall be made on application submitted after the said period of one year.*

69.3 (Correction in Date of Birth)

A. Correction as per the school records:

- i. Corrections to correct typographical and other errors to make the certificate consistent with the school records can be made provided that corrections in the school records should not have been made after the submission of application form for admission to Examination to the Board.*
- ii. Such correction in Date of Birth of a candidate in case of genuine clerical errors will be made under orders of the Chairman where it is established to the satisfaction of the Chairman that the wrong entry was made erroneously in the list of candidates/application form of the candidate for the examination.*
- iii. Request for correction in Date of Birth shall be forwarded by the Head of the School alongwith attested Photostat copies of*
- a) application for admission of the candidate to the School;*
- b) Portion of the page of admission and withdrawal register where entry in date of birth has been made along with attested copy of the Certificate issued by the Municipal Authority, if available, as proof of Date of Birth submitted at the time of seeking admission; and*
- c) the School Leaving Certificate of the previous school submitted at the time of admission.*
- iv. The application for correction in date of birth duly forwarded by the Head of school along with documents mentioned in byelaws 69.2(iii) shall be entertained*

by the Board only within Five Years of the date of declaration of result. No correction whatsoever shall be made on application submitted after the said period of Five Year.

- v. *This rule will be applicable to all cases after Class X/XII 2015 examination onwards.*

B. Correction as per Court's Orders.

Applications regarding correction in date of birth of Candidates will be considered provided the correction have been admitted by the Court of law. In cases of correction in date of birth in documents after the court orders caption will be mentioned on the document "CORRECTION ALLOWED IN DATE OF BIRTH FROM.... TO.... ON (DATED).... AS PER COURT ORDER NO.....DATED....."

10. On bare perusal of the above provisions of the bye-laws, it is seen that for correction of date of birth, the case can be entertained by the Board only within one year and within five years of the date of declaration of result. The rule providing five years for entertaining the application is applicable after class X/XII 2015 examination onwards. Since the petitioner has passed class X in the year 2012, the rule providing for submission of correction of date of birth within five years of the date of declaration of result, would not be applicable to the petitioner. However, it also provides that applications regarding correction in date of birth of candidates will be considered provided the correction have been admitted by the Court of law. In cases of correction in date of birth in documents after the court's order certain caption will be mentioned on the document.

11. On consideration of the record, it is noticed that the date of birth of the petitioner is recorded as 29.06.2000 in all the certificates including the school admission register and the transfer/school leaving certificate issued by the

concerned school. The Principal of the Government Higher Secondary School, Seppa has also forwarded the case of the petitioner for correction of the date of birth stating that due to clerical error, the date of birth of the petitioner has been wrongly entered as 29.06.1994.

12. On perusal of the letter of the Principal of the Government Higher Secondary School, Seppa, it is seen that the same was forwarded on 16.08.2019. Thus, undisputedly, though the petitioner has approached the concerned school authorities within time, however, the Principal of the school has forwarded the letter after the lapse of 7(seven) years.

13. As noted above, since the bye-laws provides for correction of the date of birth will be considered provided the corrections have been admitted by Court of law.

14. Having considered that the school admission register as well as the birth certificate issued by the Department of Economics and Statistics, Govt. of Arunachal Pradesh on 16.06.2005 and considering that the bye-laws provides for consideration if the Court of law admitted the same, coupled with the fair submission of Ms. R. Bora, learned Standing Counsel for the CBSE/respondents, I deem it appropriate to allow this writ petition and to direct the respondents/CBSE to correct the date of birth as 29.06.2000 in the class X certificate of the petitioner.

15. Accordingly, the respondents are directed to consider and correct the date of birth of the petitioner as 29.06.2000 in place of 29.06.1994 in the class X certificate not later than 4(four) months from the date of receipt of the documents which is directed to be submitted herein below.

16. The petitioner shall submit all the requisite documents before the Principal of the Government Higher Secondary School, Seppa. The Principal of the Government Higher Secondary School, Seppa shall forward all the required documents that may be submitted by the petitioner to the respondents/CBSE for consideration and correction as directed hereinabove.

17. The writ petition stands allowed and disposed of, in terms above.

JUDGE

Comparing Assistant