

GAHC010003362024



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

Case No. : WP(C)/78/2024

MD ABDUR RAHMAN KHAN
S/O LATE MANNAS KHAN, VILL- LALI PATHAR, P.O.-AKORABORI, DIST-
NAGAON, ASSAM-782123

VERSUS

BOARD OF SECONDARY EDUCATION, ASSAM AND 4 ORS
BAMUNIMAIDAM, GUWAHATI-21, REPRESENTED BY ITS CHAIRMAN

2:THE SECRETARY OF THE BOARD OF SECONDARY EDUCATION
ASSAM
BAMUNIMAIDAM
GUWAHATI-21

3:THE CONTROLLER OF EXAMINATIONS
BOARD OF SECONDARY EDUCATION
ASSAM
BAMUNIMAIDAM
GUWAHATI-21

4:INSPECTOR OF SCHOOLS
NAGAON DISTRICT CIRCLE
CHRISTIANPATTY
NAGAON
ASSAM-782001

5:THE HEADMASTER
NO. 2 SALMARABARI MUKTAB SCHOOL
P.O.-SOLOGURI
DIST-NAGAON
ASSAM-78212

Advocate for the Petitioner : MD S HOQUE

Advocate for the Respondent : SC, SEBA

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 10.01.2024

The petitioner by way of instituting the present proceeding has prayed for a direction to the authorities of Board of Secondary Education, Assam to correct his date of birth recorded in his matriculation records as '01.02.1974' instead of '01.02.1972'. The petitioner in this connection had approached the authorities and the authorities of the said Board had required the Inspector of the school Nagaon to authenticate the application of the petitioner. The Inspector of School, NDC, Nagaon vide communication dated 08.08.2023 had authenticated the documents submitted by the petitioner. The documents has authenticated also includes the birth certificate. A copy of the birth certificate enclosed as Annexure-C to the present petition and issued on 21.04.2018.

2. From the perusal of the said birth certificate, it is seen that the same was based on an application made by the petitioner in the year 2018 and the same was issued on 21.04.2018. The petitioner has not brought on record any material to show that the said certificate which was issued after a period of one year from the date of his birth was so issued by following the procedure that was mandated.

3. In such view of the matter, the writ petition stands disposed of directing the Secretary, Board of Secondary Education, Assam to consider the application of the petitioner for correction of his date of birth as "01.02.1972" in his matriculation records after having an enquiry made with regard to the facts disclosed in the birth certificate available at Annexure (C) dated 21.04.2018.

4. The Secretary shall also verify as to whether the birth of the petitioner is recorded in the records of Bechamari MPHC of Moirabari block in Nagaon District. On conclusion of the said

verification as required it is found that the case of the petitioner is bonafide, the Board of Secondary Education shall proceed with the matter in accordance with law and pass appropriate orders. In the event, any of the documents submitted by the petitioner in support of his prayer for correction of his date of birth is found to be doubtful, the Board of Secondary Education, Assam shall not proceed with the correction as prayed for.

With the above observation and direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant