

GAHC010179272023



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

Case No. : WP(C)/4740/2023

MAINUL HOQUE CHOUDHURY
S/O- LATE ABDUL KHALEQUE,
VILL- MAHERIPAR,
P.O- KALIADINGIA, P.S- JURIA, DIST- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM,
EDUCATION DEPARTMENT, DISPUR, GUWAHATI-06

2:BOARD OF SECONDARY EDUCATIONB
REPRESENTED BY THE SECRETARY

BOARD OF SECONDARY EDUCATION
BAMUNIMAIDAM
GUWAHATI- 781021
ASSAM.

3:THE SECRETARY

BOARD OF SECONDARY EDUCATION
BAMUNIMAIDAM
GUWAHATI- 781021
ASSAM.

4:THE CONTROLLER OF EXAMINATIONS

BOARD OF SECONDARY EDUCATION
ASSAM
BAMUNIMAIDAM
GUWAHATI- 781021.

5:THE PRINCIPAL
BAGARIGURI H.S SCHOOL
JURIA

P.O- JURIA
DIST- NAGAON
ASSAM
PIN-78212

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 15.02.2024

Heard Mr. F. U. Barbhuiya, learned counsel for the petitioner. Also heard Mr. D. Neogi, learned standing counsel for the Secondary Education Department representing the respondent no. 1 and Mr. T. C. Chutia, learned standing counsel for the respondents no. 2, 3 & 5 and Mr. H. Ali, learned counsel appearing for the respondent no. 5.

2. The petitioner by way of instituting the present proceedings has prayed for a direction upon the respondent Board for correction of his age recorded in his matriculation certificate as 16 years 2 months 13 days as of 01.03.1980. The petitioner had appeared in the Assam High Madrassa Examination, 1980 and was issued with an Admit card for the purpose. In the Admit card so issued, the age of the petitioner was of 01.03.1980, was shown as 15 years 2 months 13 days. The said examination was infact held in the year 1981. The petitioner cleared the

said examination and the board issued to him a certificate. In the said certificate, the age of the petitioner has been recorded as 16 years 2 months 13 days as on 01.03.1980. This position is in variance with the recording of age in the Admit card. The petitioner approached the authorities praying for rectification of the said age as recorded in his matriculation certificate, inasmuch as, the said age as recorded would result in an erroneous calculation of his date of birth.

3. The school from where the petitioner had appeared for his Assam High Madrassa Examination, 1980 had also taken up the matter before the Board authorities for correction of the age of the petitioner as recorded in the said certificate. The said correction not having been favorably considered by the Board authorities, the petitioner had instituted the present proceedings.

4. The respondent Board has filed an affidavit in the matter and therein contended that the age of the petitioner as recorded in the Assam High Madrassa Examination, 1980 was so recorded as per the particulars forwarded by the school authorities. The school authorities had, reportedly, recorded the age of the petitioner as on 01.03.1980 as 16 years 2 months 13 days and the same was accordingly reflected in the said certificate by the Board.

5. The affidavit as filed by the Board has also brought on record the statements of candidates appearing from the particular centre from where the petitioner had appeared in his Assam High Madrassa Examination, 1980. The particulars recorded therein reflect that the date of birth of the petitioner has been recorded as 18.12.1964. In the event,

the date of birth of the petitioner is taken as 18.12.1964, then as on 01.03.1980, the petitioner would be 15 years 2 months 13 days and not 16 years 2 months 13 days as recorded in his Certificate pertaining to his Assam High Madrassa Examination, 1980.

6. Mr. T. C. Chutiya, learned standing counsel for the SEBA fairly submits that the Board does not dispute the date of birth of the petitioner recorded in its record. He also submits that basing on the said date of birth; the petitioner would be only 15 years 2 months 13 days as on 01.03.1980.

7. In view of the said position and the submission by Mr. T. C. Chutia, the date of birth as recorded in the records of the Board pertaining to the petitioner as 18.12.1964, not being disputed, this writ petition need not be kept pending and the same is disposed of directing the Secretary to the Secondary Education Department, Assam to issue a fresh certificate to the petitioner, certifying therein that basing on his date of birth i.e. 18.12.1964, the petitioner would be 15 years 2 months 13 days on the 01.03.1980. The authorities of the Board would also be required to issue to the petitioner a fresh certificate pertaining to his Assam High Madrassa Examination, 1980 and record therein the age of the petitioner as 15 years 2 months 13 days as of 01.03.1980.

8. With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant