

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14761 of 2007

Sushant Kumar, son of Sri Hira Lal Gupta, resident of Mohalla- Mithanpura, Post Office- Ramna, Police Station-Mithanpura, District- Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. Bihar School Examination Board through its Secretary, Patna
3. The Secretary, Bihar School Examination Board, Patna
4. The Headmaster, Govt. High School, Brahampura, Muzaffarpur

.... Respondents

Appearance :

For the Petitioner/s : Mr. SHYAM SUNDAR PD.KUSHWAHA

For the Respondent/s : Mr. AC to GA-5

Mr. Shitansu Shekhar Mishra

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 16-02-2015

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Heard learned counsel for the petitioner, learned AC to GA-5 as well as Sri S.S.Mishra, learned counsel, who has appeared on behalf of Respondent nos.2 and 3/ Bihar School Examination Board, Patna.

The petitioner, invoking writ jurisdiction of this Court under Article-226 of the Constitution of India, has prayed for directing the Respondents to make necessary correction in the date of birth of the petitioner entered in his Matriculation Certificate. It has been claimed that incorrectly date of birth of the petitioner in the Matriculation Certificate has been shown as 1st March, 1976, whereas the correct date of birth of the petitioner, as per record, was 1st December, 1976.

In this case, a counter affidavit has been filed on behalf of Respondent nos. 2 and 3. Virtually, the Board has accepted that date of birth was changed by the Board itself, but shelter has been taken on a policy decision vide letter no.S.P.A. 192/89 dated 23.08.1989, which

indicates that no one can be allowed to appear in such examination without attaining the age of 14 years. Once the petitioner was made to appear in the examination, at subsequent stage, there was no reason for altering the date of birth of the petitioner in the Certificate by the Board. However, in paragraph-9 of the counter affidavit, it has been stated that the petitioner's case can be considered provided the petitioner produces his documents i.e. registration receipt, Admit Card and other relevant Admission Register.

In view the statement made in paragraph-9 of the counter affidavit, the writ petition stands disposed of granting liberty to the petitioner to approach Respondent no.3/ the Secretary, Bihar School Examination Board by filing a representation along with Admit Card and Registration Slip, wherein actual date of birth of the petitioner has been mentioned as 1st December,1976. If such representation is filed, Respondent no.3/the Secretary, Bihar School Examination Board is required to take appropriate steps for issuance of fresh original Certificate mentioning correct date of birth. It is made clear that if such representation is filed by the petitioner within six weeks from today, Respondent no.3 shall take all steps for issuance of fresh Certificate with correct date of birth within a period of two months thereafter.

The writ petition stands disposed of.

(Rakesh Kumar, J)

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