

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14044 of 2007

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Mahabir Shaw, son of Ram Nath Shaw, resident of Baduki Kalla, P.S. Kashma
District Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Bihar Board of Secondary Education, Bihar, Patna
3. the Deputy Secretary, Examination, Bihar Board of Secondary Education,
Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. JAGDISH PRASAD BHAGAT

For the Respondent/s : AC to SC No. 13

Mr. Parthasarthy

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 03-04-2015

Heard Sri Jagdish Prasad Bhagat, learned counsel for the
petitioner, learned AC to SC No. 13 as well as Sri Parthasarthy,
learned counsel, who has appeared on behalf of respondent/ Bihar
School Examination Board.

The petitioner, invoking writ jurisdiction of this court under
Article 226 of the Constitution Of India, has filed the present writ
petition in the month of November, 2007 with a prayer to direct the
respondent / Bihar School Examination Board, to make correction in
respect of date of birth in the certificate issued by the Bihar School
Examination Board, which was issued long back in the year 1995
itself.

A plea has been taken that prior to appearing in



Matriculation examination conducted by Bihar School Examination Board, the petitioner had appeared in an examination which was conducted by the West Bengal School Examination Board in the year 1992 - 1993 where his date of birth was recorded as 31.1.1977 in the admit card which was issued by the School Examination Board of West Bengal. However, he failed in the examination conducted by the West Bengal Board and, thereafter, for matriculation examination of 1994-95 the petitioner appeared in an examination which was conducted by Bihar School Examination Board. Before examination admit card was issued in favour of the petitioner wherein date of birth of petitioner was recorded as 5.1.1980. Subsequently, result was also published and in the result /certificate date of birth was recorded as 5.1.1980. It has been pleaded that due to inadvertence the petitioner earlier did not raise the issue of correcting the date of birth in the certificate, whereas, fact remains that actual date of birth of petitioner is 31.1.1977. Accordingly, a prayer has been made to direct the Bihar School Examination Board to make correction in the date of birth and it may be corrected from 31.1.1977 to 5.1.1980.

Besides hearing, I have also perused the materials available on record. Of-course, a plea has been taken by the petitioner that in examination which was held by the West Bengal Examination Board for the session 1992-93 admit card was issued by the West Bengal



School Examination Board in which date of birth was recorded as 31.1.1977 whereas in the examination of 1994-95 which was conducted by Bihar School Examination Board in the admit card itself, which was issued in 1995 date of birth was mentioned as 5.1.1980. Accepting as correct date of birth as 5.1.1980 the petitioner appeared in the examination of Bihar School Examination Board in the year 1995 and result was also published. It is not in dispute that certificate was not received by the petitioner, wherein date of birth was mentioned as 5.1.1980. For the first time, as pleaded, the petitioner filed representation in the year 2007 before the Bihar School Examination Board for making correction of the date of birth and immediately thereafter the petitioner has approached this court for making such correction. Keeping in view the fact that on the basis of date of birth recorded in the admit card issued by Bihar School Examination Board in the year 1995, the petitioner appeared without raising any objection regarding date of birth and even thereafter when result was published in the year 1995 and he received certificate which reflected date of birth of the petitioner as 5.1.1980, he did not raise any objection and for the first time after about 12 years dispute was raised by the petitioner before the Bihar School Examination Board and immediately thereafter the petitioner approached this court for correcting date of birth, there is no reason

to entertain such belated claim at this stage.

Keeping in view the fact that for about 12 years no dispute was raised by the petitioner regarding date of birth, after lapse of such a long time the petitioner may not be permitted to raise such dispute for correcting date of birth.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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