

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22505 of 2014

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1. Humaira Jamali D/o Nematullah Rahmani, Resident of H. No. 481, Road No. 1, Indirapuri Colony, Samanpura, P.O. Bihar Veterinary College, P.S. Airport, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Bihar School Examination Board, Patna through its Secretary.
3. The Chairman, Bihar School Examination Board, Patna.
4. The Secretary, Bihar School Examination Board, Patna.
5. The Headmaster, Millat Academy, Samastipur, District Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tej Bahadur Singh, Sr. Advocate
Mrs. Shashi Priya Pathak
For the Respondent State: Mr. Prabhat Ranjan, AC to GP 12
For Examination Board : Mr. Girijesh Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 05-11-2015

After a detailed hearing on the issue and having examined the factual aspect of the matter in detail one thing is evident that the petitioner cannot be permitted to draw advantage in life every time. If at a tender age of 12 years and 29 days she succeeded in participating in Matriculation Examination and to save her from being debarred from the examination, which should have been done in the very first place, she cannot ignore the said fact. If a date of birth was given to the petitioner to make her eligible to show her as minimum age of 14 years, this Court after 25 years is not going to allow the petitioner to

claim that her date of birth has been wrongly reckoned and declared by the Bihar School Examination Board.

In fact, any indulgence shown to the petitioner will be inequitable and will be rewarding the petitioner again and again.

It is made clear that the date of birth now given by the Bihar School Examination Board to the petitioner shall hold good and true for rest of her life and if there is any controversy with regard to the date of birth which she may have declared, the same will be required to be rectified in conformity with the date provided by the Bihar School Examination Board.

Even otherwise law is well settled that the date of birth provided in the Matriculation certificate is the primary evidence and acceptable evidence.

Writ application otherwise is dismissed with above observation as no change of date of birth can be ordered in the above mentioned circumstances.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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