

108

④

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (C) NO. 1258 / 2014

Single Bench

Petitioner :

Abhinav Kesharwani S/o Shri

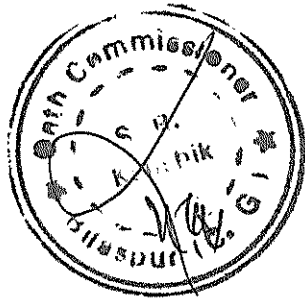
Jugal Kishore Kesharwani, Aged
about 22 years, R/o Near Darji
Mandir, Gond Para, Bilaspur, Tahsil
& District – Bilaspur-(C.G.)

1258/14
Presented by Shri Ashok Dmrt
dated 08.7.14

Versus

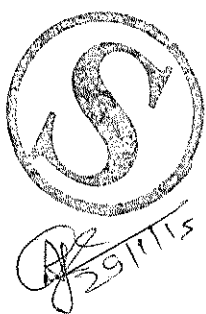
Respondents :

1. State of Chhattisgarh, Through
Secretary, Education Department,
Mahanadi Bhawan, Naya Raipur-
(C.G.)
2. Secretary, Chhattisgarh Board of
Secondary Education, Raipur,
District-Raipur-(C.G.)
3. District Education Officer,
District Bilaspur-(C.G.)
4. Principal, The New India Higher
Secondary School, Bilaspur,
District-Bilaspur-(C.G.)



WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF

INDIA



42

HIGH COURT OF CHHATTISGARH : BILASPUR

W.P. (C) No.1258 of 2014

PETITIONER

Abhinav Kesharwani

Versus

RESPONDENTS

State of Chhattisgarh & others

Single Bench : Hon'ble Shri Justice Prashant Kumar Mishra

Present :- Shri Hanuman Prasad Agrawal, counsel for the petitioner.
Shri A. Pandey, PL for the State.
Shri Manoj Paranjape, counsel for respondent No.2.
Shri Dharmesh Shrivastava, counsel for respondent No.4.

ORAL ORDER

(Passed on this 27th day of January, 2015)

1. The petitioner had appeared in Class Xth examination conducted by the C.G. Board of Secondary Education in the year 2009. In the mark sheet of the said examination, his date of birth was mentioned as 28-9-1990, whereas, according to the petitioner his correct date of birth is 26-9-1992 and this date of birth is mentioned in previous mark sheets. This writ petition has been filed on 8-7-2014 seeking correction in the mark sheet.
2. Relying on the law laid down by this Court in the matter of **Sudhir Ram Bhagat Vs. Secretary, Madhyamik Shiksha Mandal, Raipur & Another¹**, learned counsel for the respondent Board would submit that prayer for correction of entry concerning date of birth in the mark sheet cannot be considered after lapse of three years from the date of issuance of mark sheet.
3. In view of the settled legal position, the direction prayed for cannot be granted. In the matter of Sudhir (*supra*), liberty was reserved in favour of the petitioner to take recourse to the competent civil Court for declaration of his date of birth, the present petitioner is also entitled for the similar liberty. He may also prefer a civil suit before the jurisdictional civil Court, if so advised.
4. In view of the above, the writ petition is disposed of.

Sd/-

Prashant Kumar Mishra
Judge

Azhu.