

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(C).No. 230 of 2015 (C)

PETITIONER(S) :

**ASHIDA V.P, AGED 22 YEARS,
D/O.MOIDEEN V.P.,VALIYAPEEDIKAKKAL HOUSE,
MANNUMKULAM, PUZHAKKATIRI P.O., MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.SAMSUDIN
SRI.K.C.ANTONY MATHEW
SRI.JITHIN LUKOSE**

RESPONDENT(S) :

- 1. THE REGIONAL OFFICER,
CENTRAL BOARD OF SECONDARY EDUCATION,
REGIONAL OFFICE, PLOT NO.1630-A, NEW NO.3,
J BLOCK, ANNA NAGAR, CHENNAI-600 040,
TAMIL NADU.**
- 2. THE PRINCIPAL,
ST.JOSEPH SENIOR SECONDARY SCHOOL,
PUTHANAGADI P.O.-679 321, MALAPPURAM DISTRICT.**
- 3. CENTRAL BOARD OF SECONDARY EDUCATION,
REPRESENTED BY THE REGIONAL OFFICER, REGIONAL OFFICE,
PLOT NO.1630-A, NEW NO.3, J BLOCK, ANNA NAGAR,
CHENNAI-600 040, TAMIL NADU.**

R1 & R3 BY ADV. SRI.DEVAN RAMACHANDRAN, S.C

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE BIRTH CERTIFICATE ISSUED BY
THE REGISTRAR OF BIRTHS AND DEATHS OF THE OFFICE OF
THE PUZHAKKATIRI PANCHAYATH.**

**EXHIBIT P2: TRUE COPY OF THE CERTIFICATE OF SECONDARY SCHOOL
EXAMINATION ISSUED BY THE CONTROLLER OF EXAMINATIONS,
CBSE.**

**EXHIBIT P3: TRUE COPY OF THE APPLICATION FOR RECTIFYING
THE MISTAKE.**

**EXHIBIT P4: TRUE COPY OF THE REMINDER SUBMITTED BY THE PARENTS OF
THE PETITIONER BEFORE THE 2ND RESPONDENT.**

**EXHIBIT P5: TRUE COPY OF THE LETTER FORWARDED BY
THE 2ND RESPONDENT TO THE 1ST RESPONDENT
DATED 26-08-2013.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 230 of 2015

Dated this the 6th day of March, 2015

J U D G M E N T

Petitioner is stated as aggrieved of the inadvertent mistake which has crept in relevant school/certificates showing the date of birth of the petitioner as 03.07.1993 in place of '21.09.1992'.

2. The case of the petitioner is that, when he sought admission for degree course, the above mentioned mistake was noted, when the petitioner submitted an application before the 2nd respondent/Principal of the School. Pursuant to the above, the 2nd respondent submitted an application before the 1st respondent for rectifying the mistake as evident from Ext.P3. However, pursuant to non-consideration of Ext.P3, the 2nd respondent submitted Ext.P5 letter dated 26.08.2013 before the 1st respondent. The petitioner approached the 2nd respondent seeking correction of the date of birth in the school records like Admission Register, Transfer Certificate, A & W Register kept in school and further requesting to forward the corrected records for effecting correction in the CBSE records. It is submitted that, the callous inaction of the respondents has made the petitioner to approach

this Court seeking for appropriate reliefs.

3. The learned standing counsel for the respondents 1 and 3 submits that, by virtue of the Bye-laws of the C.B.S.E, the petitioner has to approach the school authorities and get his school records corrected showing the actual date of birth as '21.09.1992'. Thereafter, the application has to be got forwarded along with the corrected date of birth as certified by the school authorities to the 1st respondent, on which event, the same will be considered and appropriate steps will be pursued to redress the grievance of the petitioner.

4. In the above circumstances, the petitioner is left to approach the 2nd respondent and get her school records corrected based on the relevant materials; simultaneously causing the same to be forwarded to the 1st respondent as prescribed for taking further steps. On receipt of such proceedings, the matter shall be considered and final orders shall be passed by the 1st respondent after verifying the genuineness, in accordance with law, particularly, in view of the decision rendered by the Division Bench of this Court in W.A. No.1948/2008 holding that the bar of 'two years' (which is now stated as enhanced to 'five' years) will

not stand in the way of causing the date of birth to be corrected in genuine cases. Final orders as above, shall be passed by the 1st respondent as expeditiously as possible, at any rate, within 'three months' from the date of receipt of a copy of the proceedings as aforesaid.

The writ petition is disposed of as above. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn