

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

**THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936**

**WP(C).No. 783 of 2015 (W)**  
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**PETITIONER :**  
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**VIVEK VIJAI V.P., S/O.VIJAYKUMAR, AGED 24 YEARS,  
THADATHARIKATHU HOUSE, (VIJAY BHAVAN),  
KALLAYAM P.O., PEROORKADA P.O.,  
THIRUVANANTHAPURAM - 695 043.**

**BY ADV. SRI.ALEXANDER JOSEPH**

**RESPONDENT(S):**  
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- 1. THE CENTRAL BOARD OF SECONDARY EDUCATION,  
REPRESENTED BY ITS CHAIRMAN, COMMUNITY CENTRE,  
PREETH VIHAR, NEW DELHI - 110 001.**
- 2. THE REGIONAL OFFICER,  
CENTRAL BOARD OF SECONDARY EDUCATION (C.B.S.E),  
REGIONAL OFFICE, PLOT NO.1630-A, (NEW NO.3 J BLOCK),  
ANNA NAGAR WEST, 6TH MAIN ROAD, CHENNAI - 600 040.**
- 3. THE PRINCIPAL,  
MARY GIRI ENGLISH MEDIUM HIGH SCHOOL,  
KUDAPPANAKUNNU P.O., THIRUVANANTHAPURAM - 695 043.**
- 4. THE REGISTRAR OF BIRTH AND DEATH,  
CORPORATION OF THIRUVANANTHAPURAM,  
CORPORATION OFFICE, THIRUVANANTHAPURAM - 695 001.**

**R1 & R2 BY SRI.DEVAN RAMACHANDRAN, SC, CBSE  
R4 BY SRI.N.NANDAKUMARA MENON, SENIOR ADVOCATE  
ADV. SRI.P.K.MANOJKUMAR, SC, TVPM CORPORATION**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 12-03-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**sts**

**WP(C).No. 783 of 2015 (W)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- EXT.P1:** TRUE COPY OF THE MARK LIST DATED 28/5/2007 ISSUED BY THE 1ST RESPONDENT
- EXT.P2:** TRUE COPY OF THE CERTIFICATE DTD. 28/05/2007 ISSUED BY THE 1ST RESPONDENT
- EXT.P3:** TRUE COPY OF THE BIRTH CERTIFICATE DATED 24/8/2009 ISSUED BY THE REGISTRAR OF BIRTHS & DEATHS, CORPORATION OF TRIVANDRUM
- EXT.P4:** TRUE COPY OF THE APPLICATION DTED 27/12/2014 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS 2 & 3
- EXT.P5:** TRUE COPY OF THE JUDGMENT DATED 5/8/2009 IN WPC NO.28213/2008.
- EXT.P6:** TRUE COPY OF THE JUDGMENT DATED 19/6/2013 IN WPC NO.18515/2012.

**RESPONDENT(S)' EXHIBITS:** NIL

**/TRUE COPY/**

**P.A.TO.JUDGE**

**sts**

**P.R. RAMACHANDRA MENON, J.**

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**W.P.(C) No.783 of 2015**  
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**Dated this the 12<sup>th</sup> day of March, 2015**

**JUDGMENT**

Petitioner is stated as aggrieved of the inadvertent mistake which has crept in the relevant school/certificates showing the date of birth of the petitioner as '**04.04.1992**' in place of '**01.08.1990**'.

2. The case of the petitioner is that, he had preferred an application before the 3<sup>rd</sup> respondent, to have the above mistake corrected. Ext.P3 is the birth certificate showing the actual date of birth as '**01.08.1990**'. The learned counsel for the petitioner points out that, the petitioner had passed All India Secondary School Examination from the 3<sup>rd</sup> respondent school as evident from Ext.P1 Marklist. Inaction on the part of the respondents made the petitioner to approach this Court seeking for appropriate reliefs.

3. The learned standing counsel for the respondents submits

that, by virtue of the Bye-laws of the C.B.S.E, the petitioner has to approach the school authorities and get her school records corrected showing the actual date of birth as '**01.08.1990**'. Thereafter, the application has to be got forwarded along with the corrected 'date of birth' as certified by the school authorities to the 2<sup>nd</sup> respondent, on which event, the same will be considered and appropriate steps will be pursued to redress the grievance of the petitioner after verification with the Authority who has issued Ext.P1.

4. In the above circumstances, the petitioner is left to approach the 3<sup>rd</sup> respondent School and get her school records corrected based on the relevant materials; in turn, causing the same to be forwarded to the 2<sup>nd</sup> respondent as mentioned above for taking further steps. On receipt of such proceedings, the matter shall be considered and final orders shall be passed by the 2<sup>nd</sup> respondent in accordance with law, in the light 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 2<sup>nd</sup> respondent after conducting verification with the concerned Authority, if necessary, as expeditiously as possible, at any rate, within 'two months' from the date of receipt of a copy of the proceedings as aforesaid.

The petitioner shall produce a copy of judgment, along with a copy of the writ petition, before the concerned respondents, for further steps.

The writ petition is disposed of as above.

Sd/-

**P.R. RAMACHANDRA MENON,  
JUDGE**

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