

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C).No. 796 of 2015 (Y)

PETITIONER(S):

MONISHA MOHAN,
AGED 27 YEARS, D/O.N.P.MOHANAN,
AISWARYA, CHERUKARA,
PIN - 679 340.

BY ADV. SRI.B.PREMNATH (E).

RESPONDENT(S):

-
1. CENTRAL BOARD OF SECONDARY EDUCATION,
REGIONAL OFFICE,
NEW PLOT NO.3(OLD PLOT NO.1630A) (J BLOCK) ,
ANNA NAGAR WEST, CHENNAI-40,
REPRESENTED BY THE DEPUTY SECRETARY.
 2. REGIONAL OFFICER,
CENTRAL BOARD OF SECONDARY EDUCATION,
REGIONAL OFFICE,
NEW PLOT NO.3(OLD PLOT NO.1630A) (J BLOCK) ,
ANNA NAGAR WEST, CHENNAI-40.
 3. SREE VALLUVANADU VIDHYA BHAVAN,
P.O. BOX NO.82, PERINTHALMANNA, MALAPPURAM,
PIN - 679 322, REPRESENTED BY ITS PRINCIPAL.
 4. AIDED UPPER PRIMARY SCHOOL
CHERUKARA, MALAPPURAM DISTRICT, PIN - 679 340,
REPRESENTED BY ITS HEAD MASTER.

R3 BY ADV. SRI.N.K.SUBRAMANIAN
R3 BY ADV. SRI.S.ANANTHAKRISHNAN
R4 BY ADV. SRI.E.NARAYANAN
R BY SRI.DEVAN RAMACHANDRAN, SC, CBSE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXHIBIT P1 COPY OF THE BIRTH CERTIFICATE OF THE PETITIONER ISSUED
BY THE PERINTHALMANNA PANCHAYATH DATED 30/10/1987.
- EXHIBIT P2 COPY OF THE EXTRACT OF THE ADMISSION REGISTER OF THE
4TH RESPONDENT SCHOOL DATED NIL.
- EXHIBIT P3 COPY OF THE EXTRACT OF THE ADMISSION REGISTER OF THE
3RD RESPONDENT.
- EXHIBIT P4 COPY OF THE TRANSFER CERTIFICATE ISSUED BY THE 4TH
RESPONDENT.
- EXHIBIT P5 COPY OF THE MARK LIST OF THE PETITIONER IN THE ALL
INDIA SECONDARY EXAMINATION 2003, DATED 24/5/2003.
- EXHIBIT P6 COPY OF THE CERTIFICATE ISSUED BY THE 1ST RESPONDENT
DATED 24/5/2003.
- EXHIBIT P7 COPY OF THE APPLICATION FOR CORRECTION OF DATE OF
BIRTH.
- EXHIBIT P8 COPY OF THE COVERING LETTER BY THE FATHER OF THE
PETITIONER SUBMITTED TO THE 3RD RESPONDENT.
- EXHIBIT P9 COPY OF THE COMMUNICATION OF THE 3RD RESPONDENT DATED
20/12/2014 FORWARDING EXHIBITS P7 AND P8 ALONG WITH
OTHER DOCUMENTS.
- EXHIBIT P10 COPY OF THE JUDGMENT IN WA NO. 1948/2008 DATED
5/8/2009.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.796 of 2015

Dated this the 29th day of January, 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 '**28.05.1988**' in place of '**28.10.1987**'.

2. The case of the petitioner is that, she had preferred Ext.P7 application before the 3rd respondent, to have the above mistake corrected, which is stated as forwarded to the 2nd respondent. Ext.P1 is the birth certificate showing the actual date of birth as '**28.10.1987**'. The learned counsel for the petitioner points out that, the petitioner had completed her studies from Class I to IV in the 4th respondent School and from class V till completion of Higher Secondary from the 3rd respondent school as evident from Ext.P2 and Exts.P3 and P4 respectively. 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 1 and 2

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 '**28.10.1987**'. 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 after verification with the Authority who has issued Ext.P1.

4. In the above circumstances, the petitioner is left to approach the 4th respondent School and thereafter the 3rd respondent School and get her school records corrected based on the relevant materials; in turn, causing the same to be forwarded to the 1st 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 1st 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 1st 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.

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

sp