

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 1066 of 2015 (G)

PETITIONER(S):

**K.VINEETH AGED 20 YEARS
S/O.MADHAVAN NAMBIAR.M., MANAKOTH HOUSE, CHEMAD P.O.
KASARGOD DISTRICT 671 317.**

BY ADV. SRI.M.J.THOMAS

RESPONDENT(S):

- 1. THE SECRETARY, CENTRAL BOARD OF SECONDARY EDUCATION (CBSE)
NEW DELHI.**
- 2. THE REGIONAL OFFICER,
CBSE REGIONAL OFFICE, PLOT NO.1630A (NEW NO.3)
J BLOCK, 16TH MAIN ROAD, ANNA NAGAR
WEST, CHENNAI - 600 400.**
- 3. THE PRINCIPAL,
JAWAHAR NAVODAYA VIDYALAYA, PERIYA NAVODAYA NAGAR
PERIYA POST, VIA PALLIKARA, KASARAGOD - 671 316.**

**R3 BY ADV. SRI.P.PARAMESWARAN NAIR, SC, NAVODHAYA VIDHYALAYA
SAMITI**

R1-R2 BY SRI.DEVAN RAMACHANDRAN, SC, CBSE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: COPY OF THE MARK LIST EVIDENCING THAT THE PETITIONER HAS PASSED THE SECONDARY SCHOOL EXAMINATION HELD IN MARCH 2010 ISSUED BY THE CONTROLLER OF EXAMINATION, CBSE.
- P2: COPY OF THE BIRTH CERTIFICATE OF THE PETITIONER ISSUED BY THE REGISTRAR OF BIRTHS AND DEATH, KASARGOD MUNICIPALITY
- P3: COPY OF THE ORDER DATED 15/12/2011 OF THE DISTRICT EDUCATIONAL OFFICER, KASARGOD.
- P4: COPY OF THE EXTRACT FROM THE SCHOOL ADMISSION REGISTER OF CJEM SCHOOL, CHEMAD SHOWING THE CORRECT DATE OF BIRTH OF THE PETITIONER
- P5: COPY OF THE CORRECTED COPY OF THE TRANSFER CERTIFICATE ISSUED TO THE PETITIONER ON 4/2/2014.
- P6: COPY OF THE ORDER DATED 28/3/2012 ISSUED BY THE 2ND RESPONDENT
- P7: COPY OF THE REPRESENTATION DATED 22/12/2014 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

PA TO JUDGE

JV

P.R. RAMACHANDRA MENON, J.

W.P.(C).No.1066 of 2015

Dated this the 5th day of March, 2015

JUDGMENT

Petitioner is stated as aggrieved of the inadvertent mistakes which have crept in the relevant school/certificates showing the date of birth of the petitioner as '**05.05.1995**' in place of '**05.08.1994**' as well as the parents' names as 'Shobhana Kumari K. and 'Madhavan Nambiar' in places of 'Sobhana Kumary K.' and 'M. Madhavan Nambiar' respectively.

2. The case of the petitioner is that, he had preferred Ext.P7 application before the 3rd respondent, to have the above mistakes corrected. Ext.P2 is the birth certificate showing the actual date of birth as '**05.08.1994**' and parents' names as 'Sobhana Kumary K.' and 'M. Madhavan Nambiar'. The learned counsel for the petitioner points out that, the petitioner had completed his studies from class V till completion of Higher Secondary from the 3rd respondent school as evident from Ext.P3 and Exts.P4 and P5 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 his school records corrected showing the actual date of birth as '**05.08.1994**' and parents' names as 'Sobhana Kumary K.' and 'M. Madhavan Nambiar'. Thereafter, the application has to be got forwarded along with the corrected 'date of birth' and 'parents' names' 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.P2.

4. In the above circumstances, the petitioner is left to approach 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.

SD/-
P.R. RAMACHANDRA MENON,
JUDGE