

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. 1693 of 2015 (J)

PETITIONER :

**JERIN K.J., AGED 24 YEARS,
S/O.JAMES K.T., KURISINGAL HOUSE, MANALIKKADU,
MADATHUMPADI P.O., THRISSUR -680 733.**

BY ADV. SRI.C.S.AJITH PRAKASH

RESPONDENT(S):

- 1. CENTRAL BOARD OF SECONDARY EDUCATION,
COMMUNITY CENTRE, PREETHI VIHAR, DELHI-110 092,
REPRESENTED BY ITS CHAIRMAN.**
- 2. THE REGIONAL OFFICER,
CENTRAL BOARD OF SECONDARY EDUCATION,
REGIONAL OFFICE, NEW NO.3 (OLD NO.1630-A) 'J' BLOCK,
16TH MAIN ROAD, ANNA NAGAR (WEST), CHENNAI-600 040.**
- 3. THE PRINCIPAL,
MANNAM MEMORIAL N.S.S. ENGLISH MEDIUM SCHOOL,
(AFFILIATED TO C.B.S.E, DELHI, REG.NO.930452),
PUTHENVELIKKARA, ERNAKULAM-683 594.**

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:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1- A TRUE COPY OF THE BIRTH CERTIFICATE DATED 23.05.2011 ISSUED BY THE PUTHANVELIKKARA GRAMA PANCHAYATH TO THE PETITIONER.
- P2- A TRUE COPY OF THE EXTRACT OF ADMISSION REGISTER MAINTAINED BY THE 3RD RESPONDENT SCHOOL SPECIFYING THE DATE OF BIRTH OF PETITIONER AS 28.04.1991.
- P3- A TRUE COPY OF THE CERTIFICATE BEARING NO.M/06/07569/327046 DATED 27.05.2006 WITH DATE OF BIRTH AS 28.04.1991 CERTIFYING THE PETITIONER AS PASSED IN THE ALL INDIA SECONDARY SCHOOL EXAMINATION.
- P4- A TRUE COPY OF THE MARK STATEMENT DATED 27.05.2006, ISSUED BY THE 1ST RESPONDENT BOARD WITH DATE OF BIRTH AS 28.04.1991 EVIDENCING THAT THE PETITIONER HAS PASSED THE EXAMINATION WITH 78.40% OF MARKS.
- P5- A TRUE COPY OF THE EXTRACT OF THE WITHDRAWAL REGISTER CERTIFYING THAT THE ENTRIES THEREIN ARE VERIFIED WITH THE ADMISSION REGISTER AND OTHER RELEVANT RECORDS MAINTAINED IN THE 3RD RESPONDENT SCHOOL.
- P6- A TRUE COPY OF THE MIGRATION CERTIFICATE DATED 28.04.2006 ISSUED BY THE 1ST RESPONDENT BOARD.
- P7- A TRUE COPY OF THE CERTIFICATE NO.HSE 209325 DATED 15.05.2008 ISSUED BY THE BOARD OF HIGHER SECONDARY EXAMINATIONS, GOVERNMENT OF KERALA.
- P8- A TRUE COPY OF THE REPRESENTATION DATED 03.04.2014 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT, WITHOUT ANNEXURES.
- P9- A TRUE COPY OF THE REPRESENTATION DATED 03.04.2014 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT, WITHOUT ANNEXURES.
- P10- A TRUE COPY OF THE LETTER NO.RO(M)/COR/2014/CORRN/DB/3428 DATED 30.04.2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- P11- A TRUE COPY OF THE APPLICATION DATED 02.09.2014 ALONG WITH INDEX AND COVERING LETTER, WITHOUT THE ATTACHMENTS.
- P12- A TRUE COPY OF THE LETTER DATED 29.08.2014 ISSUED BY THE 3RD RESPONDENT TO 2ND RESPONDENT.
- P13- A TRUE COPY OF THE LETTER NO.RO(M)/CORRN/REJECTION/DOB/2014/3248 ADDRESSED TO THE 3RD RESPONDENT.

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P14- A TRUE COPY OF THE JUDGMENT IN W.A.NO.1948/2008 AND CONNECTED
CASES DATED 05.08.2009.

P15- A TRUE COPY OF THE JUDGMENT IN W.P[C]NO.14854/2009 DATED 14.10.2009.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.S.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C)No. 1693 OF 2015
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Dated this the 5th March, 2015

J U D G M E N T

The petitioner is stated as aggrieved of the inadvertant mistake in the school records/certificates showing the date of birth of the petitioner as **'28.04.1991'** in place of **'28.04.1990'**.

2. The learned counsel for the petitioner submits that, eventhough the petitioner has approached the school authorities/respondent No.3 along with Ext.P1 birth certificate wherein, the date of birth has been correctly given as **'28.04.1990'**, it has not given any result; which made the petitioner to approach this Court seeking for appropriate reliefs.

3. The learned standing counsel for the C.B.S.E. submits that, by virtue of the mandate under 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 **'28.04.1990'** . Thereafter, the application has to be got forwarded along with the corrected date of birth, as certified by the school authorities to the 2nd respondent/ Regional Officer, CBSE, Chennai, 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 3rd respondent/School authority and get his school records corrected based on the relevant materials; simultaneously causing the same to be forwarded to the second respondent/Regional Officer,CBSE, as prescribed, for taking further steps. On receipt of such proceedings, the matter shall be considered and final orders shall be passed by the 2nd respondent/competent authority 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' (now stated as five years) as referred to in the 'Bye law' 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 2nd respondent/competent authority, **after verification** 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

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petitioner shall produce a copy of the judgment along with a copy of the writ petition before third respondent/School authority for further steps.

**P.R.RAMACHANDRA MENON
JUDGE**

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