

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 1995 of 2015 (Y)

PETITIONER(S):

**ABHIJITH D NAIR, AGED 21 YEARS
S/O.AMBUJAM K., ILLATH MEETHAL, KAVIYOOR
CHOKLI P.O., KANNUR-670 672.**

BY ADV. SRI.MAHESH V RAMAKRISHNAN

RESPONDENT(S):

- 1. THE CENTRAL BOARD OF SECONDARY EDUCATION,
REPRESENTED BY ITS SECRETARY, REGIONAL OFFICE, 1630A
J-BLOCK, ANNA NAGAR WEST, CHENNAI-600 040.**
- 2. THE PRINCIPAL,
JAWAHAR NAVODAYA VIDYALAYA, P.O.PANDAKKAL
MAHE DISTRICT, PUDUCHERRY (UNION TERRITORY)-673 310.**

BY SRI.DEVAN RAMACHANDRAN, SC, CBSE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 :** TRUE COPY OF THE BIRTH CERTIFICATE OF THE PETITIONER ISSUED BY THE REGISTRAR OF BIRTHS & DEATHS, THALASSERY MUNICIPALITY.
- EXT P2 :** TRUE COPY OF THE ALL INDIA SECONDARY SCHOOL EXAMINATION CERTIFICATE, 2008 ISSUED BY THE 1ST RESPONDENT BOARD TO THE PETITIONER.
- EXT P3 :** TRUE COPY OF THE MARK LIST DATED 27-05-2008 ISSUED BY THE 1ST RESPONDENT BOARD TO THE PETITIONER.
- EXT P4 :** TRUE COPY OF THE ORDER DATED 11-04-2011 ISSUED BY THE A.E.O., CHOKLI TO THE PETITIONER.
- EXT P5 :** TRUE COPY OF THE LETTER DATED 03-01-2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXT P6 :** TRUE COPY OF THE ORDER DATED 17-09-2010 ISSUED BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 1995 of 2015

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Dated, this the 24th day of February, 2015

JUDGMENT

The petitioner is stated as aggrieved of the inadvertent mistake which has crept in the school records/certificates showing the date of birth of the petitioner as 30.05.1993 in place of **'16.09.1993'**.

2. The learned counsel for the petitioner submits that, eventhough the petitioner has approached the school authorities/respondent No.2 along with a copy of the birth certificate (produced as per Ext.P1), wherein, the date of birth has been correctly given as **'16.09.1993'** 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 **'16.09.1993'**. Thereafter, the application has to be got forwarded along with the corrected date of birth as certified by the school

authorities to the first respondent/competent authority, 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 school authorities/2nd respondent and get his school records corrected, based on the relevant materials and as verified by the concerned local authority; simultaneously causing the same to be forwarded to the first respondent/competent authority 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/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 1st respondent/competent authority, after conducting verification with the concerned authority, if necessary, as expeditiously as possible, at any rate, within 'three months' from the date of receipt of the proceedings as aforesaid.

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: 3 :

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

The writ petition is disposed of as above.

Sd/-

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

kmd