

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. 2139 of 2015 (N)

PETITIONER(S):

**HEROSH T. HARIDAS AGED 22 YEARS
S/O HARIDAS, CHANDRALAYAM, THERUR
EDAYANOR PO, KANNUR DISTRICT.**

BY ADV. SRI.CIBI THOMAS

RESPONDENT(S):

- 1. THE PRINCIPAL, SREE SANKARA VIDYA PEETAM
MATTANNUR, KANNUR DISTRICT-670702.**
- 2. THE REGIONAL OFFICER
CENTRAL BOARD OF SECONDARY EDUCATION
REGIONAL OFFICE, PLOT NO.3, J-BOCK
16TH MAIN ROAD, ANNA NAGAR WEST, CHANNAI-600050.**
- 3. CENTRAL BOARD OF SECONDARY EDUCATION
REP. BY ITS CHAIRMAN, PREET VIHAR, NEW DELHI-110 092.**

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

EXHIBIT P1: COPY OF THE BIRTH CERTIFICATE ISSUED TO THE PETITIONER FROM THE KANNUR MUNICIPALITY.

EXHIBIT P2: COPY OF THE CERTIFICATE ISSUED BY THE CENTRAL BOARD OF SECONDARY EDUCATION TO THE PETITIONER DATED 27.5.2008.

EXHIBIT P3: COPY OF THE ORDER DATED 25.7.2013 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P4: COPY OF THE COVERING LETTER SUBMITTED BY THE 1ST RESPONDENT DATED 12.8.2013.

EXHIBIT P5: COPY OF THE JUDGMENT IN WPC 2325/2013 OF THIS HON'BLE COURT.

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

PA TO JUDGE

JV

P.R. RAMACHANDRA MENON, J.

W.P.(C).No.2139 of 2015

Dated this the 5th 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 '**07.03.1993**' in place of '**07.03.1992**'.

2. The case of the petitioner is that, he had approached the 1st respondent, who in turn submitted a duly filled formate along with Ext.P4 before the 2nd respondent seeking correction of date of birth. Ext.P1 is the birth certificate showing the actual date of birth as '**07.03.1992**'. The learned counsel for the petitioner points out that, the petitioner had completed Higher Secondary Education from the 1st 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 2 and 3 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 '**07.03.1992**'. Thereafter, the application has to be got forwarded along with the corrected 'date of birth' as certified by the school authorities to the 3rd t 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 1st respondent School and get his school records corrected based on the relevant materials; in turn, causing the same to be forwarded to the 3rd 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 3rd 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 3rd t 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

jv