

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No.2651 of 2015 (F)

PETITIONER:

**ANAND SREEDHAR,'SIDHIVINAYAKAM',KRA - C-384,
MATHILMUKKU,KUDAPPANAKUNNU,
THIRUVANANTHAPURAM - 695 043**

**BY ADVS.SRI.B.RAGUNATHAN
SRI.G.GOPALAKRISHNA PILLAI
SRI.M.SALIM
SRI.R.SRINATH
SRI.P.PRAMOD
SRI.V.M.JACOB**

RESPONDENTS:

- 1. CENTRAL BOARD OF SECONDARY EDUCATION,
REPRESENTED BY DIRECTOR,
CENTRAL BOARD OF SECONDARY EDUCATION,
SIKSHA KENDRA,2,COMMUNITY CENTRE,
PREET VIHAR,NEW DELHI - 110 301**
- 2. REGIONAL OFFICER,
CENTRAL BOARD OF SECONDARY EDUCATION,
REGIONAL OFFICE,PLOT NO.3,J BLOCK,
16TH MAIN ROAD,ANNA NAGAR (WEST),CHENNAI - 600 040**
- 3. REGIONAL OFFICER,
CENTRAL BOARD OF SECONDARY EDUCATION,
REGIONAL OFFICE,PATTOM,THIRUVANANTHAPURAM - 695 040**
- 4. PRINCIPAL,MARYGIRI ENGLISH MEDIUM SCHOOL,
(SENIOR SECONDARY),KUDAPPANAKUNNU,
THIRUVANANTHAPURAM - 695 043**

R1-R3 BY SRI.DEVAN RAMACHANDRAN,SC,CBSE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No.2651 of 2015 (F)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1-TRUE COPY OF THE BIRTH CERTIFICATE DATED 25.9.2010 ISSUED BY
THE REGISTRAR OF BIRTHS AND DEATHS CORPORATION OF
THIRUVANANTHAPURAM.**

**EXT.P2-TRUE COPY OF THE ALL INDIA - SECONDARY SCHOOL
EXAMINATION,2010 CERTIFICATE DATED 28.5.2010 ISSUED BY THE
CENTRAL BOARD OF SECONDARY EDUCATION.**

**EXT.P3-TRUE COPY OF THE FORWARDING LETTER OF THE 4TH RESPONDENT
TO THE 2ND RESPONDENT DATED 2.2.2012.**

**EXT.P4-TRUE COPY OF THE LETTER ADDRESSED TO THE 4TH RESPONDENT BY
THE 2ND RESPONDENT DATED 28.3.2012.**

EXT.P5-TRUE COPY OF THE APPLICATION DATED 15.1.2015.

**EXT.P6-TRUE COPY OF THE JUDGMENT IN WP(C) NO.22925 OF 2012 -M
DATED 7.2.2013 PASSED BY THIS HON'BLE COURT**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.2651 OF 2015
.....

Dated this the 30th 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 **'25.11.1994'** in place of **'24.11.1993'**.

2. The learned counsel for the petitioner submits that, eventhough the petitioner has approached the school authorities/respondent No.4 along with Ext.P1 birth certificate wherein, the date of birth has been correctly given as **'24.11.1993'**, 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 **'24.11.1993'** . 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 4th 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 of the genuineness of the documents,** 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 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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