

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 2782 of 2015 (W)

PETITIONER :

**AKHIL THANKAPPAN
PARACKATTUPARAMBIL HOUSE, VATTAPARAMBU P.O.,
MALLUSSERY, ERNAKULAM DIST., KERALA, PIN - 683579**

BY ADV. SRI.PAULACHAN PUTHUPPARA

RESPONDENT(S) :

- 1. THE CENTRAL BOARD OF SECONDARY EDUCATION
REPRESENTED BY ITS CHAIRMAN, SHIKSHA KENDRA 2
COMMUNITY CENTER, PREET VIHAR, DELHI-110092.**
- 2. THE CONTROLLER OF EXAMINATION
CENTRAL BOARD OF SECONDARY EDUCATION, SHIKSHA KENDRA 2
COMMUNITY CENTER, PREET VIHAR, DELHI-110092**
- 3. THE PRINCIPAL
JAVAHAR NAVODHAYA VIDHYALAYA SCHOOL
NERIAMANGALAM P.O., ERNAKULAM DIST., KERALA – 686693.**
- 4. THE REGIONAL OFFICER
CENTRAL BOARD OF SECONDARY EDUCATION
REGIONAL OFFICE, PLOT NO. 1630-A,
ANNANAGAR WEST J BLOCK, CHENNAI-600040.**
- 5. UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT
MINISTRY OF HUMAN RESOURCES DEVELOPMENT
SHASTHRI BHAVAN, NEW DELHI.**

**R1, R2 & R4 BY SRI.DEVAN RAMACHANDRAN, SC
R3 BY ADV. SRI.P.PARAMESWARAN NAIR, SC
R5 BY ADV. SRI.N.NAGARESH, ASGI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 2782 of 2015 (W)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1: TRUE PHOTOCOPY OF THE BIRTH CERTIFICATE OF THE PETITIONER
ISSUED BY THE ALUVA MUNICIPALITY ON 17.10.2014.**
- EXT.P2: TRUE PHOTOCOPY OF THE MARK STATEMENT OF THE CBSE ALL
INDIA SECONDARY SCHOOL EXAMINATION DATED 27.5.2006.**
- EXT.P3: TRUE PHOTOCOPY OF THE PASS CERTIFICATE OF THE CBSE ALL
INDIA SECONDARY SCHOOL EXAMINATION DATED 27.5.2006.**
- EXT.P4: TRUE PHOTOCOPY OF THE APPLICATION DATED 29.11.2014 TO THE
REGIONAL OFFICER CBSE CHENNAI TO CORRECT THE DATE OF
BIRTH OF THE PETITIONER AS PER BIRTH CERTIFICATE.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.2782 OF 2015
.....

Dated this the 9th April, 2015

J U D G M E N T

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 **'01.05.1991'** in place of **'01.10.1990'**.

2. The learned counsel for the petitioner submits that, eventhough the petitioner has approached the 4th respondent / Regional Officer, CBSE along with a copy of the birth certificate (Ext.P1), wherein, the date of birth has been correctly given as **'01.10.1990'**, 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 **'01.10.1990'**. Thereafter, the application has to be got forwarded along with the corrected date of birth, as certified by the school authorities to the 4st 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 fourth respondent/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 4th 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 4th 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 petitioner shall produce a copy of the judgment along with a copy

W.P.(C)No.2782 OF 2015

3

of the writ petition before fourth respondent/competent authority
for further steps.

P.R.RAMACHANDRA MENON
JUDGE

/k