

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 3777 of 2015 (V)

PETITIONER:

MUHAMMED RAMEEZ, AGED 26 YEARS
S/O.SAID MUHAMMED, VADAKKAYIL HOUSE, NJARKUTTY
MUTHALAKODAM P.O., THODUPUZHA - 685 605.

BY ADVS.SRI.G.KIRAN
SRI.D.SREENATH

RESPONDENTS:

1. THE CENTRAL BOARD OF SECONDARY EDUCATION
REGIONAL OFFICE
NEW PLOT NO.3 (OLD PLOT NO. 1630A) (J.BLOCK) ANNA NAGAR WEST
CHENNAI -40, REPRESENTED BY THE DEPUTY SECRETARY
2. THE REGIONAL OFFICER, CBSE REGIONAL OFFICE,
ANNA NAGAR WEST, CHENNAI 40, TAMIL NADU.
3. THE PRINCIPAL,
AL-AMEEN PUBLIC SCHOOL
(AFFILIATED TO C.B.S.E NEW DELHI NO.930029
SCHOOL NO.06513) EDAPALLY
KOCHI - 682 024.

R3 BY ADV. SRI.TPM.IBRAHIM KHAN (SR.)
R3 BY ADV. SRI.K.M.ABDUL MAJEED
R1&2 BY SRI.DEVAN RAMACHANDRAN, SC, CBSE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS

EXT.P1: THE TRUE COPY OF THE CERTIFICATE /MARKS STATEMENT ISSUED
BY THE CENTRAL BOARD OF SECONDARY EDUCATION DATED 27/5/2006

EXT.P2: THE TRUE COPY OF THE BIRTH CERTIFICATE, DATED 27/03/2014 ISSUED
TO THE PETITIONER BY THE REGISTRAR OF BIRTHS AND DEATHS,
MUVATTUPUZHA MUNICIPALITY, AS PER SECTION 17 OF THE
REGISTRATION OF BIRTHS AND DEATHS ACT, 1969

EXT.P3: A TRUE COPY OF THE TRANSFER CERTIFICATE ISSUED BY PRINCIPAL
DE PAUL PUBLIC SCHOOL DATED 13/4/2004

EXT.P4: A TRUE COPY OF THE REPRESENTATION DATED 4/11/2014 MADE BY THE
3RD RESPONDENT TO THE 2ND RESPONDENT.

EXT.P5: A TRUE COPY OF THE REPLY DATED 1/12/2014 ISSUED BY THE
2ND RESPONDENT.

EXT.P6: A TRUE COPY OF THE REPRESENTATION MADE TO THE 2ND
RESPONDENT DATED 4/2/2015.

EXT.P7: A TRUE COPY OF THE JUDGMENT IN WPC 33675/2010 DATED 16/6/2011.

RESPONDENTS' EXHIBITS : NIL

// TRUE COPY //

PA TO JUDGE

dl/

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 3777 of 2015

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Dated, this the 23rd day of March, 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 02.04.1988 in place of **'02.04.1989'**.

2. The learned counsel for the petitioner submits that, eventhough the petitioner has approached the school authorities/respondent No.3 along with a copy of the birth certificate (produced as per Ext.P2), wherein, the date of birth has been correctly given as **'02.04.1989'** 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 **'02.04.1989'**. Thereafter, the application has to be got forwarded along with the corrected date of birth as certified by the school

authorities to the second 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/3rd 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 second 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 second 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 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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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