

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 4375 of 2015 (V)

PETITIONER(S):

**ASLAM K.A., AGED 22 YEARS,
S/O. ABDUL KAREEM, KUNNAIKUDIYIL HOUSE, PAIMATTAMM,
MANIKINAR P.O., ERNAKULAM - 686 693.**

BY ADV. SRI.BIJU ABRAHAM

RESPONDENT(S):

- 1. CENTRAL BOARD OF SECONDARY EDUCATION,
NEW NO.3, J BLOCK, ANNA NAGAR (WEST),
CHENNAI - 40, REPRESENTED BY ITS SECRETARY.**
- 2. IRSHADIYYA PUBLIC SCHOOL,
KOOVALLOOR P.O., ERNAKULAM - 686 671,
REPRESENTED BY ITS PRINCIPAL.**
- 3. CENTRAL BOARD OF SECONDARY EDUCATION,
REGIONAL OFFICE, 2ND FLOOR, BLOCK B,
LIC DIVISIONAL OFFICE CAMPUS, PATTOM,
THIRUVANANTHAPURAM - 695 004.**

**R1 & R3 BY SRI.DEVAN RAMACHANDRAN, SC
R2 BY ADV. SRI.GEORGEKUTTY MATHEW**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1- A TRUE COPY OF THE APPLICATION FOR ADMISSION TO THE
2ND RESPONDENT'S SCHOOL BY THE PETITIONER THROUGH HIS
FATHER DATED 21/04/1997.**

**EXHIBIT-P2- A TRUE COPY OF THE BIRTH CERTIFICATE OF THE PETITIONER ISSUED
BY THE ALUVA MUNICIPALITY DATED 09/06/2010.**

**EXHIBIT-P3- A TRUE COPY OF THE MARK STATEMENT OF CENTRAL SCHOOL
EXAMINATION 2009 OF THE PETITIONER ISSUED BY THE
1ST RESPONDENT DATED 26/05/2009.**

**EXHIBIT-P4- A TRUE COPY OF THE SECONDARY SCHOOL EXAMINATION, 2009
CERTIFICATE OF THE PETITIONER.**

**EXHIBIT-P5- A TRUE COPY OF THE MIGRATION CERTIFICATE ISSUED TO THE
PETITIONER DATED 30/04/2009.**

**EXHIBIT-P6- A TRUE COPY OF THE APPLICATION SUBMITTED BY THE
2ND RESPONDENT TO THE 1ST RESPONDENT DATED 14/09/2010.**

**EXHIBIT-P7- A TRUE COPY OF THE COVERING LETTER DATED 14/07/2010 OF THE
2ND RESPONDENT TO THE 1ST RESPONDENT ALONG WITH
APPLICATION FOR CORRECTION OF DATE OF BIRTH OF THE PETITIONER.**

**EXHIBIT-P8- A TRUE COPY OF THE COMMUNICATION DATED 30/11/2011 OF THE
1ST RESPONDENT TO THE 2ND RESPONDENT.**

**EXHIBIT-P9- A TRUE COPY OF THE REPLY OF THE 2ND RESPONDENT TO THE
1ST RESPONDENT.**

**EXHIBIT-P10- A TRUE COPY OF THE COMMUNICATION DATED 18/09/2014 OF THE
2ND RESPONDENT TO THE 1ST AND 3RD RESPONDENTS.**

**EXHIBIT-P11- A TRUE COPY OF THE REPLY RECEIVED TO THE 2ND RESPONDENT
FROM THE 3RD RESPONDENT DATED 09/12/2014.**

**EXHIBIT-P12- A TRUE COPY OF THE COMMUNICATION DATED 26.2.2015 OF THE
1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 4375 of 2015

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Dated, this the 24th 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 09.06.1993 in place of **'09.01.1993'**.

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.P2), wherein, the date of birth has been correctly given as **'09.01.1993'** 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 **'09.01.1993'**. 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