

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 7931 of 2015 (N)

PETITIONER(S):

**P. HARIKRISHNAN,
S/O.KRISHNAN, KAKKANAM VEEDU, MAVUNGAL,
HARIPURAM POST, ANANDASRAM, KASARAGODE - 671 531,
MINOR, REPRESENTED BY HIS FATHER KRISHNAN,
RESIDING AT KAKKANAM VEEDU, MAVUNGAL,
HARIPURAM POST, ANANDASRAM, KASARAGODE - 671 531.**

BY ADV. SRI.M.J.THOMAS.

RESPONDENT(S):

- 1. THE SECRETARY,
CENTRAL BOARD OF SECONDARY EDUCATION (CBSE),
NEW DELHI-110 001.**
- 2. THE REGIONAL OFFICER,
CBSE REGIONAL OFFICE, PLOT NO.1630A (NEW NO.3),
J BLOCK, 16TH MAIN ROAD, ANNA NAGAR WEST,
CHENNAI - 600 400.**
- 3. THE PRINCIPAL, KENDRIYA VIDYALAYA,
PAYYANNUR P.O., EDAT, KANNUR DISTRICT -671 140.**

R1 & R2 BY ADV. SRI.DEVAN RAMACHANDRAN, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 7931 of 2015 (N)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: TRUE COPY OF THE MARK LIST OF THE PETITIONER.
- P2: TRUE COPY OF THE BIRTH CERTIFICATE OF THE PETITIONER ISSUED BY THE REGISTRAR OF BIRTHS AND DEATH, AJANUR GRAMA PANCHAYAT.
- P3: TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 7931 of 2015

Dated this the 6th day of April, 2015

J U D G M E N T

Petitioner is stated as aggrieved of the inadvertent mistake which has crept in relevant school/certificates showing the date of birth of the petitioner as 05.05.1997 in place of '05.04.1997'.

2. The case of the petitioner is that, when he applied for passport, the above mentioned mistake was noted, when the petitioner filed Ext.P3 application before the 3rd respondent/Principal, Kendriya Vidyalaya, Kannure District, along with a copy of the birth certificate and a copy of the Secondary School Examination Pass Certificate, 2013, wherein, the date of birth has been correctly given as 05.04.1997. The petitioner approached the 3rd respondent seeking correction of the date of birth in the school records like Admission Register, Transfer Certificate, A & W Register kept in school and further requesting to forward the corrected records for effecting correction in the CBSE records. It is submitted that, the callous inaction of the respondents has made the petitioner to approach this Court seeking for appropriate reliefs.

3. The learned standing counsel for the 1st respondent/Secretary, Central Board of Secondary Education submits that, by virtue of 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 '05.04.1997'. Thereafter, the application has to be got forwarded along with the corrected date of birth as certified by the school authorities to the 1st respondent, 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 and get his school records corrected based on the relevant materials; simultaneously causing the same to be forwarded to the 1st respondent 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 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' (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 1st respondent 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 the 3rd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn