

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.8.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.4806 of 2015

K.S.Rajkumar

... Petitioner

- Vs -

The Central Board of Secondary Education
Rep. By its Regional Officer,
New No.3, Old No.1630-A,
'J' Block, 16th Main Road,
Anna Nagar (West),
Chennai-600 040.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus calling for the records relating to the order passed by the respondent in No. RO (M) CORR/Rejection/DOB/2014/5843 dt 12.1.2015 and quash the same and further direct the respondent to correct the Date of Birth in the School Certificates of the petitioner as 19.12.1992 instead of 18.12.1992.

For Petitioner : Mr.S.Parthasarathy

For Respondent : Mr. G.Nagarajan

ORDER

The writ petition is filed for the issuance of a writ of certiorarified mandamus calling for the records relating to the order passed by the respondent in No. RO (M) CORR/Rejection/DOB/2014/5843 dt 12.1.2015 and quash the same and further direct the respondent to correct the Date of Birth in the School Certificates of the petitioner as 19.12.1992 instead of 18.12.1992.

2. The petitioner sought for correction of date of birth from 18.12.1992 to 19.12.1002. The request made by the petitioner was rejected on the ground that the same is belated and the 10th Standard certificate shows only 18.12.1992. Challenging the same, the present writ petition is filed.

3. On a perusal of the record, it is seen that it is no doubt true that the petitioner's date of birth has been recorded in the 10th Standard record as 18.12.1992, but in the 12th Standard record, it has been recorded as 19.12.1992. Rule 69.2 of Examination Bye Law merely speaks about school records. When we interpret school records, the subsequent one will have to be taken into account especially, when there is no dispute that the subsequent school records indicates his date of birth as 19.12.1992. In such a view of the matter, the question of limitation would not arise for consideration as what the petitioner is to change the date of birth as per the record. Further, the petitioner seeks correction of only one day.

4. In such a view of the matter, the order impugned is set aside and the writ petition stands allowed. Direction is issued to the respondent concerned to correct the date of birth of petitioner in the 10th Standard certificate as 19.12.1992 instead of 18.12.1992 within a period of four weeks from the date of receipt of a copy of this order. The school authorities are directed to send original 10th standard certificate to the respondent concerned for necessary correction.

5. Writ petition is allowed on the above terms. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

kua

To

The Regional Officer
The Central Board of Secondary Education
New No.3, Old No.1630-A,
'J' Block, 16th Main Road,
Anna Nagar (West),
Chennai-600 040.

+1 cc to Mr.G.Nagarajan, Advocate, sr.42191
+1 cc to Mr.S.Parthasarathy, Advocate, sr.41927

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ak(co), kra(24/08)