

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6035 of 2016

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Kumari Shweta wife of Dr. Rajiv Kumar, resident of Mohalla- Madanji Ka Hata,
P.O.+P.S.- Ara Nawada City Ara, District- Bhojpur (Bihar).

.... Petitioner

Versus

1. The Union of India through the Secretary (School Education and Literacy), Ministry of Human Resource Development, Government of India.
2. The Central Board of Secondary Education (CBSE) 2 Community Centre, Preet Vihar, Delhi- 110301, through its Chairman.
3. The Chairman CBSE, 2 Community Centre, Preet Vihar, Delhi- 110301
4. The Regional Officer, CBSE Regional Office, Bailey Road, Patna, Bihar.
5. The D.A.V. Public School, Ara Patna Road, Dhanupara, Ara, District- Bhojpur, Bihar, through its Principal.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Respondent/s : Mr. S.D SANJAY (ADDL. SOC. GEN.)

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 24-10-2016

Heard counsel for the petitioner and counsel for the CBSE.

I.A. No.8501 of 2016 has been filed seeking quashing of the order dated 08.09.2016 (Annexure-10) by virtue of which the CBSE has rejected the claim of the petitioner for correction in the date of birth from 11.10.1998 to 11.10.1999 on the ground that it is time barred.

One thing, which is evident from the pleadings and the evidence on record that there has been correspondence with the CBSE even before conduct of the examination for making correction of the kind indicated in communication of the Principal to the Regional Director vide Annexure-4 dated 20th of February, 2014. Thereafter also a recommendation has been made by the Principal of the school with

supporting material for change/correction vide letter dated 07.11.2015. The amendment in the Regulation has come about on 25.06.2015. This amendment limiting the period from five years to one year will take effect from the date of the notification. It will not cover cases, which have arisen prior to the said date, i.e., 25.06.2015. This is a good ground for this Court to quash the communication of the CBSE rejecting the claim of the petitioner being time barred. The matter requires reconsideration.

The Central Board of Secondary Education is directed to make the necessary correction in the date of birth of the petitioner on the basis of the recommendation made by the Principal of the school in question on 07.11.2015 contained in Annexure-8 to the writ application. This exercise must be done within a period of eight weeks from the date of production/communication of a copy of this order.

Writ application is allowed in terms of the above direction.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	25.10.2016
Transmission Date	