

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4744 of 2016
and
W.M.P.No.4116 of 2016

Mukarram Khan

... Petitioner

Vs.

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

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records from the respondent in No.CBSE/RO(M)/CORRN/REJN/6573/2015, dated 27.08.2015, and to quash the same and to direct the respondent to correct the Date of Birth of the petitioner's son Ikram Khan, as 02.02.1999 in 10th Grade sheet vide registration No.M114/06173/0034 and other related school records and pass any such further or other orders.

For Petitioner : Mr.M.Easan

For Respondent : Mr.G.Nagarajan

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Certiorarified Mandamus, to call for the records from the respondent in No.CBSE/RO(M)/CORRN/REJN/6573/2015, dated 27.08.2015, and to quash the same and to direct the respondent to correct the Date of Birth of the petitioner's son Ikram Khan, as 02.02.1999 in 10th Grade sheet vide registration No.M114/06173/0034 and other related school records.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows:-

2-1.The petitioner's son master Ikram Khan was born on 02.02.1999 at Hyderabad and his birth was duly recorded and for that effect, Birth Certificate was also issued by the Hyderabad Municipal Corporation. He is studying his school education under Central Board of Secondary Education at Hyderabad. Previously, he studied at Azra Public School, Asif

Nagar, Hyderabad upto his 10th standard. At the time of his admission in his LKG at the Azra public School, his date of birth was wrongly recorded in the school records as 02.02.2000 instead of 02.02.1999 and the petitioner was not aware of the same till this academic year.

2-2. In the year 2014, the petitioner's son Ikram Khan appeared All India Secondary School Examination (AISSE), bearing Roll No.4225993 and passed with A Grade. At the time of his appearance in AISSE-2014 his birth date was noted as 02.02.2000, this was not noticed by the petitioner and his son. He also appeared the exam and passed in A Grade. Now, he is studying at Sri Chaithanya Junior Kalasla (II Campus) School, Hyderabad and he is going to appear for his 12th standard exam in this academic year.

2-3. The petitioner came to know that his son's date of birth was wrongly recorded in the previous school records, i.e., School leaving certificate, Bonafide Certificate and the same was reflected in his All India Secondary School Examination Sessions Certificate, from CBSE Delhi, in the year 2014 vide registration No.M114/06173/0034. The same date of birth was also carried forward in the present school also. The petitioner immediately contacted the present school to rectify the error in the date of birth, but the present school informed the petitioner that such rectification would be done through an application to be forwarded by the previous school to the CBSE Regional Office at Chennai. The petitioner informed the same to the previous school and they instructed the petitioner to make a paper publication regarding the wrong entry of date of birth. The petitioner had also made paper publication in Deccan Chronicle on 16th July 2016 and another local daily. The previous school, Azra Public School made an application dated 15.07.2015 regarding the date of birth to the respondent, who is the authority to change the date of birth. The respondent on his communication to the school dated 27.08.2015 in No.CBSE/RO(M)/CORRN/REJN/6573/2015 rejected the application for Date of Birth correction on the ground that as per the clause 69.2 (IV) of amended Exam Bye Laws of the Board dated 25.06.2015. As per the clause 69.2 (IV) of amended Exam Bye Laws of the Board dated 25.06.2015, the application for the correction in Date of Birth should be made within a period of one year from the date of declaration of Exam results. The time period for application for correction in Date of Birth was five year, but recently it was changed to one year. Hence, the petitioner has filed the present writ petition before this Court for the relief as stated supra.

3. The respondent has filed a detailed counsel contending that whatever the Date of Birth that has been furnished by the school in the list of candidates, is mentioned in the certificate issued by the CBSE Board. Hence, absolutely, there is no error on the part of the respondent with reference

to the date of birth mentioned in the certificate. Since the application for correction of Date of Birth of the petitioner's son was received only after one year, the respondent has rightly rejected the same; absolutely there is no illegality in rejecting the request of the Date of Birth correction of the petitioner's son. Thus, the respondent sought for dismissal of the writ petition.

4. Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondent and perused the materials available on record.

5. It is seen that the Bye Laws of the Board was amended on 25.06.2015 and the petitioner made his request for correction of date of birth of his son and made paper publication on 16.07.2016 ie., only 20 days after the date of amendment of the Bye Laws.

6. Hence, considering the facts and circumstances the case, in the interest of justice, this Court directs the petitioner to give fresh representation to the respondent, within a period of two weeks from the date of receipt of a copy of this order and enclose a copy of this order and all necessary original documents, with regard to the change of date of birth of his son Ikram Khan and on receipt of such representation, the respondent is directed to conduct enquiry and pass appropriate orders on the said representation within a period of four weeks from the date of receipt of such representation from the petitioner.

With the above terms, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

ssv

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

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

+ 1 cc to Mr.M.Easan, Advocate Sr 9902

+ 1 cc to Mr.G.Nagarajan, Advocate Sr 10126

KR/1/3/16

W.P.No.4744 of 2016
and

W.M.P.No.3772 of 2016