

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1003 of 2014
IN
Civil Writ Jurisdiction Case No. 8794 of 2013**

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1. Baliram Singh son of Ramdeo Singh resident of village Dharampura, P.S.
Doriganj, District Saran (Chapra)

.... Appellant/s

Versus

1. The Bihar School Examination Board through its Secretary, Patna
2. The Secretary, Bihar School Examination Board, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Mishra
For the Respondent/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Binita Singh, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT**

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-05-2017

In dismissing the writ petition filed by the petitioner on the ground that after having passed the Matriculation examination in the year 1978 petitioner did not bother to get the certificate issued until 2011, the learned Writ Court has not committed any error, learned counsel for the petitioner points out to us that earlier the petitioner had filed a writ petition bearing C.W.J.C. No.21448 of 2011 and on 7.12.2011 the same was disposed of directing the Examination Board to decide his



representation within eight weeks and vide order, Annexure-9 dated 6.8.2012, his representation was rejected on the ground that correction of date of birth cannot be permitted and, therefore, the learned Writ Court committed an error in refusing to issue a *mandamus* for directing the Board to supply the original mark sheet.

The prayer made by the petitioner to say that he only wants the original mark sheet issued seems to be a very innocuous prayer and this Court was tempted to accept such a prayer and grant the relief, but when we go through the prayer in the writ petition and various aspects of the pleadings contained therein, we find that the appellant was appointed as a constable in Border Security Force and for the purpose of getting his date of birth corrected, he wanted a duplicate certificate showing his date of birth and, in the enquiry conducted, the Board noticed that it cannot issue a certificate showing the date of birth. The original mark sheets are not available with the Board and on enquiry from the school it has been informed by the school that the records have been destroyed.

It seems, the petitioner wants to take advantage for change of date of birth in the guise of original mark sheet showing his date of birth and taking note of all these factors which are reflected in the order, we see no reason to make any indulgence into



the matter.

The application is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.5.2017
Transmission Date	N/A

