

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14587 of 2016

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Mahmood Akhter, a minor through Guardian/Father Shaik Maswood Akhter,
Resident of F-7, Naya Tola Sapna II Apartment, P.S.-Pirbahore District-Patna

... .. Petitioner

Versus

1. The Central Board of Secondary Education Through The Chairman Siksha Kendra-2 Community Center, Preet Vihar, New Delhi-110092
2. The Secretary, Central Board of Secondary Education, Shiksha Kendra, 2 Community Centre, Preet Vihar, Delhi-110092 New Delhi
3. The Regional Officer, Regional Office, Central Board of Secondary Education, Ambika Complex Behind State Bank Colony, New Brahm Asthan, Sheikhpura, Raja bazar, Bailey Road, Patna-800014
4. The Assistant Secretary, Regional Office Central Board of Secondary Education, Ambika Complex behind State Bank Colony, Near Brahm Asthan, Sheikhpura, Raja Bazar Bailey Road, Patna-800014
5. T Raza High School, through Secretary Ahmad Raza Nagar, Kuhkuri Phulwarisharif, Patna
6. The Principal, T Raza High School, Ahmad Raza Nagar, Kuhkuri, Phulwarisharif, Patna

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Rashid Izhar
For the Respondent/s : Mr. Vinay Krishna Tripathy

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 23-11-2017 Heard learned Counsel for the petitioner and learned

Counsel appearing on behalf of the Central Board of Secondary

Education.

The petitioner had appeared for Class-X examination, held
by the Central Board of Secondary Education (hereinafter
referred to as the 'CBSE'), in the year 2015. In the certificates,
issued by the CBSE, his date of birth has been entered as
15.11.1999.



It is the case of the petitioner that his actual date of birth is 13.11.1996, which is mentioned in the school register and the same date of birth, i.e. 13.11.1996, figures in the passport issued much before he had appeared for Class-X examination.

This fact is being disputed by learned Counsel for the CBSE with reference to the statements made in the counter affidavit. It is the case of the CBSE that the admission and withdrawal register, maintained by the school does not support the plea, which has been taken by the petitioner in the present writ application.

The petitioner had applied for correction of his date of birth from 15.11.1999 to 13.11.1996, which has been rejected by an order, dated 21.06.2016, issued by the CBSE. The said order is under challenge in the present writ application.

From the impugned order, I notice that the only ground, which has been taken for rejection is that apart from the fact that the admission and withdrawal register was not supporting the desired correction, white fluid has been used in the admission form in the date of birth column and that the transfer certificate has not been counter signed by the D.E.O.

A mistake of this nature can happen for many reasons. This is not being disputed that the petitioner is having a passport,



which was issued in the year 2011. In the passport, his date of birth has been mentioned as 13.11.1996.

Despite issuance of notice, the School has not appeared. The petitioner has brought on record Adhar Card, that also shows his date of birth to be 13.11.1996.

I do not find there would be any apparent oblique reason for seeking correction in the date of birth of this nature. In my view, on the basis of the materials on record, the CBSE ought to have favourably considered the petitioner's case for the change of date of birth.

This application is, accordingly, disposed of with a direction to the CBSE to correct the petitioner's date of birth from 15.11.1999 to 13.11.1996.

This application is allowed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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