

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P No.17800 of 2017

M.Manimaran

... Petitioner

Vs

1. The Chairman,
Central Board of Secondary Education (CBSE)
No.2, Community Centre,
Preet Vihar,
New Delhi-110 092.
2. The Joint Secretary,
Central Board of Secondary Education (CBSE)
Regional Office,
No.3, J Block, 16th Main Road,
Anna Nagar West,
Chennai-600 040.
3. The Principal,
Sri Vidhya Mandir Secondary School,
Thirukovilur-605 757,
Villupuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of writ of Certiorified Mandamus, calling for the records of the impugned order dated 20.02.2017 in CBSE/RO(M)/CORRN/REJN/6900/2017 issued by the 2nd respondent herein and quash the same, consequently direct the respondent 1 and 2 to rectify the mistake in the Date of Birth year as 05.01.1999 instead of 05.01.1997 in the 10th CBSE Mark Sheet of the petitioner viz., M.Manimaran (Roll No.4123448) issued by the Central Board of Examination, New Delhi.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.G.Nagarajan
(for R1 & R2)
R3 - notice dispensed with

O R D E R

The petitioner had completed 10th standard in the 3rd respondent school under the CBSE system and his actual date of birth is 05.01.1999 and the same has been reflected in the Birth Certificate as well as in the Hall Ticket issued by the CBSE for writing the 10th standard examination. However, in the mark sheet it has been wrongly reflected as 05.01.1997 instead of 05.01.1999. Therefore, the petitioner sent a representation through the third respondent, to the 1st respondent, who rejected the petitioner's claim stating that the correction should be made within one year from the date of declaration of the results. The said order is being challenged before this Court.

2. Heard Mr.M.R.Jothimanian, learned Counsel appearing for the petitioner and Mr.G.Nagarajan, learned counsel appearing for the 1st and 2nd respondents.

3. Since, the third respondent had already recommended the case of the petitioner for correction and also the authorities, who have to effect correction are 1st and 2nd respondents, notice to the 3rd respondent is dispensed with.

4. A perusal of the records, especially, the birth certificate of the petitioner would reveal that the petitioner's date of birth is 05.01.1999 and it has also been correctly revealed by the CBSE in the Hall Ticket issued for writing the 10th standard examination as 05.01.1999. Similarly, in the Transfer Certificate issued by the third respondent also, the petitioner's date of birth has been correctly reflected as 05.01.1999. However, in the mark sheet issued by the first respondent, the petitioner's date of birth is wrongly mentioned as 05.01.1997 instead of 05.01.1999. A conjoint reading of all the documents would reveal that the petitioner's date of birth is 05.01.1999 whereas the first respondent has committed a mistake in the mark sheet by wrongly showing the petitioner's date of birth as 05.01.1997. The contention of time limit now advanced by the first respondent cannot be employed against the petitioner as the first respondent, who is the wrong doer cannot be allowed to take advantage of his own wrong. The approach of first and second respondents needs to be deprecated and accordingly, condemned. The educational agency should be careful enough to give the correct details in the certificates issued by them. Having acted negligently, respondents 1 and 2 cannot take a technical plea to defeat the rights of the petitioner.

5. Therefore, the impugned order is set aside and the second respondent is directed to make correction in the petitioner's date of birth in the mark sheet as 05.01.1999 instead of

05.01.1997 within a period of four weeks from the date of receipt of the copy of this order failing which the second respondent shall appear before this Court. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mm/nv

To

1. The Chairman,
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3. The Principal,
Sri Vidhya Mandir Secondary School,
Thirukovilur-605 757,
Villupuram District.

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.52249
+1cc to Mr.G.Nagarajan, Advocate, S.R.No.52887

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CP(CO)
CA(23/08/2017)

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