

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.32222 of 2015

R.Karthik Raj

.. Petitioner

Vs.

1. The Controller of Examination
Central Board of Secondary Education
Preet Vihar, Delhi - 110 092.

2. The Deputy Director
Central Board of Secondary Education
Off : 13th Main Road
Anna Nagar West,
Chennai-600 040.

3. The Principal
SBOA School and Junior College
Anna Nagar West,
Chennai-600 101.

... Respondents

PRAYER:

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, call for the records and direct the respondent to correct the date of birth from 08.03.1997 to 08.08.1996 after quashing the order passed by the second respondent CBSE dated 16.11.2015 rejecting petitioner request for change of date of birth in his X standard Mark Statement.

* (Prayer Amended as per order of this Court dated 24.10.2017 in WMP.No.28994 of 2017 in WP.No.32222 of 2015)

For Petitioner: Mr.Haja Mohideen Gisthi

For Respondents: Mr.G.Nagarajan
Standing Counsel for R1 & R2
R3 - No appearance

O R D E R

The petitioner is aggrieved by the proceedings of the Regional Officer, Central Board of Secondary Education, Chennai dated 16.11.2015 wherein and whereby his request for correcting the date of birth in the X standard mark sheet was rejected on the reason that such request was made after a period of one year from the date of declaration of the result.

2. Heard both sides.

3. The petitioner completed his 12th standard Board Examination and while issuing the mark sheet, his date of birth was wrongly mentioned as 08.03.1997 instead of 08.08.1996. In support of such claim, the petitioner placed his Birth Certificate issued by the competent authority as well as the Passport of the petitioner clearly indicating that his date of birth is 08.08.1996. The petitioner also relied on the Pan Card, Driving Licence issued in his favour and the Aadhar Card in support of his claim. However, the second respondent refused to consider the request of the petitioner only on the reason that the request was made belatedly.

4. When the petitioner is having supporting materials in his favour seeking for correcting his date of birth in the mark sheet, a technical objection with regard to the delay in submitting the application for correction, cannot stand in the way of the petitioner in getting the relief. Therefore, I find every justification to allow the writ petition and set aside the impugned order. Accordingly, the writ petition is allowed and the impugned order is set aside. Consequently, the matter is remitted back to the second respondent to consider the claim of the petitioner for correcting the date of birth in the mark sheet issued by the respondent Board. Such exercise shall be done by the second respondent within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall send back the original mark sheet already issued by the respondent Board, also by paying necessary fee for effecting such correction. No costs.

WEB COPY

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

mk

To

1. The Controller of Examination
Central Board of Secondary Education
Preet Vihar, Delhi - 110 092.

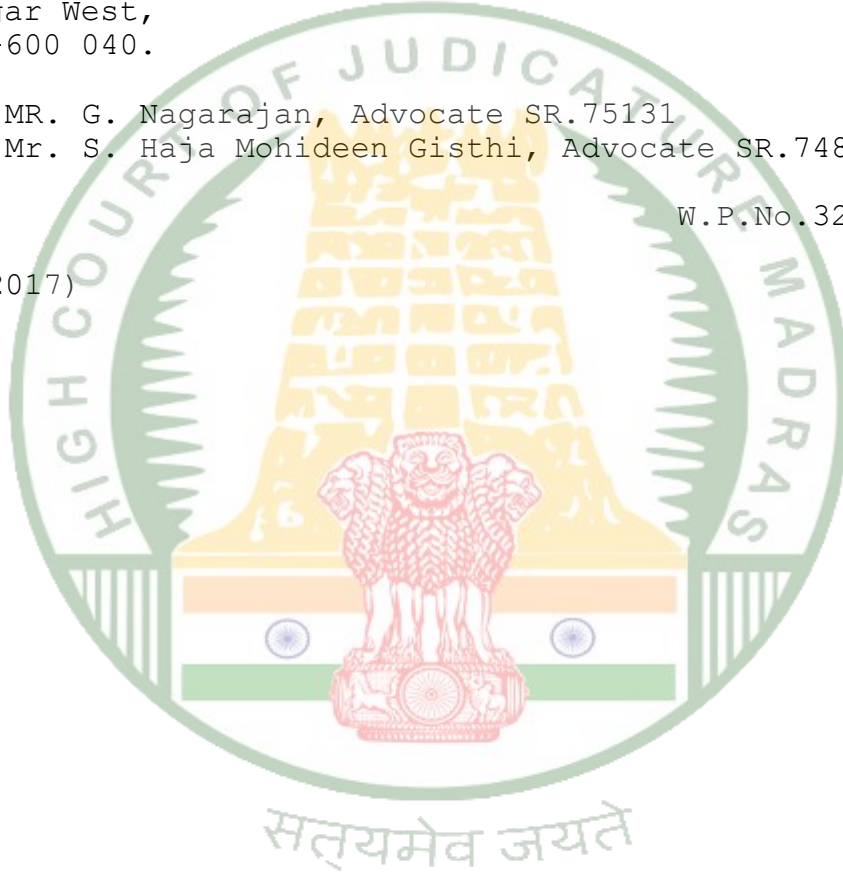
2. The Deputy Director
Central Board of Secondary Education
Off : 13th Main Road
Anna Nagar West,
Chennai-600 040.

+ 1 cc to MR. G. Nagarajan, Advocate SR.75131

+ 1 cc to Mr. S. Haja Mohideen Gisthi, Advocate SR.74882

W.P.No.32222 of 2015

SR(CO)
EU(14/11/2017)



WEB COPY