

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.34977 OF 2017

ORDER:

Heard Ms.Saraswathi Mungi for petitioner and the learned Government Pleader for School Education.

The petitioner prays for the following relief:

“...writ of mandamus declaring the inaction of the respondents herein consider We letters dated 06.07.2017 for correction my date of birth and consequentially direct the respondents herein to consider my representations and it is further prayed that this Hon'ble court may be pleased to declare the inaction of the respondents herein for not responding to my representations as illegal, arbitrary, discriminatory and against the spirit of social justice and violation of Article 21 of the constitution of India...”

On 23.10.2017, at request of respondents, the writ petition is directed to be listed today.

The grievance of petitioner is that the Secondary School Certificate dated 30.04.2002 issued to petitioner discloses the date of birth of petitioner as 29.02.1987. The grievance of petitioner is that in the year 1987, the month of February, as it is not a leap year, does not have 29 days or 29th day. The issue of certificate with those details is causing so much hardship and creating doubt in the completion of 10th class etc. by petitioner. Now the petitioner prays for correcting the date in Secondary School Certificate dated 30.04.2002.

The Government Pleader firstly to place on record, objects to considering any prayer for correcting date of birth by 2nd respondent, for according to her, if at all a mistake has crept in the Secondary School Certificate issued by 1st respondent, the same

ought to be on application by the aggrieved person rectified within the three years from the date of issue of markscard. In the case on hand, if the error is on existing date, she submits that she would have pressed the preliminary objection to correct the date of birth, but by looking at the relevant Calendar, it is evident that February in 1987 does not have 29 days. Therefore, a mistake in recording the date of birth is happened and as a special and singular case, if the petitioner makes an application with supporting documents, the 2nd respondent is prepared to examine and correct the date and issue Secondary School Certificate. The alternative submission is placed on record and accepted. The writ petition is disposed of by this order:

- a) The petitioner is given liberty to submit application to 2nd respondent within four weeks from the date of receipt of a copy of this order for correction of date of birth in Secondary School Certificate dated 30.04.2002 both by enclosing a copy of this order and also documents/statements etc. the petitioner intends to rely in support of such correction.
- b) The 2nd respondent on receipt of application passes order correcting only date in Secondary School Certificate Marks Card dated 30.04.2002 within eight weeks thereafter.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT,J

Date: 06.11.2017
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