

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.782 of 2018
IN
Civil Writ Jurisdiction Case No. 15558 of 2017**

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Damayanti Kumari, wife of Sri. Sambhu Nath Shastri, presently residing at B-28/11, Ghasiyari Tola, Lanka, District-Varanasi.

.... Appellant/s

Versus

- 1.The Bihar School Examination Board, Patna Through Its Chairman, Chhajubagh, P.S-Kotwali, District-Patna.
- 2.The Charman, Bihar School Examination Board, Patna Through Its Chairman, Chhajubagh, P.S-Kotwali, District-Patna.
- 3.The Secretary, Bihar School Examination Board, Patna Through Its Chairman, Chhajubagh, P.S-Kotwali, District-Patna.
- 4.The Principal, Christ Church Girl's High School, Bhagalpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mrs. Damayanti Kumari (In Person)

For the Respondent/s : Mr. Lalit Kishore, AG.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 20-07-2018

Challenge in the present Letters Patent Appeal is to the order dated 03.05.2018 passed in Civil Writ Jurisdiction Case No.15558 of 2017. By the impugned order the learned writ Court has refused to issue directions to the respondent-Bihar School Examination Board (hereinafter referred to as 'the Board') to issue a duplicate Matriculation Certificate of the petitioner after correcting the so called clerical error as regards the date of birth occurring in Matriculation Certificate already issued to her.

The petitioner who appears in person before us has



contended that there are several documentary evidences which are available on record to show that her correct date of birth is 02.09.1968 and, therefore, the date of birth being 02.09.1963 shown on her Matriculation Certificate is required to be corrected by the respondent-Bihar School Examination Board.

The claim of the appellant has been contested by the Board. According to the Board in certain circumstances as enumerated in the policy decision dated 27.09.2006 and 18.08.2009 stipulated by the Board, the date of birth may be corrected but so far as this case is concerned, it does not satisfy the circumstances mentioned in the guideline. It is submitted that the petitioner has moved for correction in her date of birth after a long delay of more than three and half decades i.e., after 36 years.

Having heard the appellant and learned counsel representing the Bihar School Examination Board, we are of the opinion that the petitioner-appellant, if so advised may seek her remedy for correction in the date of birth before a Court of competent jurisdiction where such issues of facts may be decided by giving opportunities to the parties to adduce their respective evidences. To that extent, the judgment of the learned writ Court is modified and the appellant is given liberty to seek her remedy before the appropriate Court of law. If such remedies are applied for the appellant, the Court



concerned shall decide the same on its own merit without being influenced by the observations of this Court either in the writ application or in the present appeal.

This Letters Patent Appeal stands disposed off.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

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CAV DATE	
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