

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15558 of 2017

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

... .. Petitioner/s

Versus

1. The Bihar School Examination Board, Patna through its Chairman,
Chhajubagh, P.S.- Kotwali, District- Patna.
2. The Chairman, Bihar School Examination Board, Chhajubagh, P.S.- Kotwali,
District- Patna.
3. The Secretary, Bihar School Examination Board, 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 Petitioner/s : Mr. Sunil Kumar Alias Sharma
For the Respondent/s : Mr. Ajay

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

4 03-05-2018 Heard learned Counsel for the parties.

The petitioner seeks a direction to the respondent- Bihar
School Examination Board, to issue a duplicate matriculation
certificate after correcting the clerical error of date of birth occurring
in the matriculation certificate already issued, taking into account, the
petitioner's date of birth as recorded in the school leaving certificate
issued by the School where the petitioner had studied, the admit card
and character certificate issued under the signature of the Secretary,
Bihar School Examination Board.

This is not in dispute that the petitioner passed the said
matriculation examination in 1982. It is her case that her date of
birth is 02.09.1968, but the same has been wrongly recorded in the
matriculation certificate issued by the Bihar School Examination



Board as 02.09.1963. According to him, the typographical error in the matriculation certificate is evident.

A preliminary objection over the maintainability of the present writ application has been taken on behalf of the Bihar School Examination Board, which has been filed more than 35 years after issuance of matriculation certificate for having passed the examination in 1982.

Learned Counsel for the petitioner has, however, relied on a Supreme Court's decision to counter the said submission rendered in case of **Manoj Kumar vs. Govt. of NCTE, New Delhi and Others**, dated 26.07.2010 (Civil Appeal No. 5999 of 2010). He has submitted that since the petitioner required correction of her date of birth only in the year 2006, when she was looking for a job whereafter, she made an application before the Bihar School Examination Board for making necessary corrections in the date of birth.

At the first instance, overlooking the preliminary objection taken on behalf of the Bihar School Examination Board, I had considered it appropriate to call for the original records from the Bihar School Examination Board, to examine the correctness of the stand of the petitioner. There would have been no question of maintaining the copy of the admit card by the Bihar School Examination Board after more than three decades, on which the petitioner is placing his reliance. The original Tabulation Register of



the concerned examination has been produced by learned Counsel for the Bihar School Examination Board, from which, it appears that date of birth of the petitioner was recorded therein as 02.09.1963.

Learned Counsel for the petitioner has persuaded me to rely on xerox copy of the documents which have been brought on record showing the petitioner's date of birth as 02.09.1968.

Learned Counsel for the petitioner has produced before this Court the original admit card also. The said admit card is not at all legible and cannot be relied on for believing that annexure-1 is xerox copy of the same document. In view of the entry as available in the Tabulation Register, no relief as sought for, in the present writ application can be granted.

This application is, accordingly, dismissed.

Let the original Tabulation Register produced by the Bihar School Examination Board be returned to learned Counsel for the Board.

(Chakradhari Sharan Singh, J)

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