

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2404 of 2018**

1. Laxmi D/o Shri Hariram Vishwakarma Aged About 28 Years R/o Near Sheetal Kirana Store, Namnakala, Ambikapur, District-Surajpur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Chhattisgarh Board Of Secondary Education, Raipur, Chhattisgarh.
2. The Assistant Chairman Chhattisgarh Board Of Secondary Education, Raipur, Chhattisgarh.
3. The Principal Sarswati Shishu Mandir Haldibadi, Chirmiri, District- Baikunthpur, Chhattisgarh.

---- Respondent

For Petitioner
For Respondent/State

Shri Shashibhushan Tiwari, Advocate
Shri Sameer Behar, Panel Lawyer

Order On Board**By****Prashant Kumar Mishra, J.****28/08/2018**

1. Petitioner has prayed for a direction to the respondent No.2 – Assistant Secretary, Chhattisgarh Board of Secondary Education, Raipur, to make necessary correction in the date of birth of the petitioner in the 10th class mark sheet as also to quash the order dated 27-7-2018 passed by the said authority denying change or correction of date of birth.
2. Admittedly, the petitioner has passed her 10th class examination i.e. High School Certificate Examination in the year 2005 for

which the mark sheet Annexure – P/2 was issued mentioning her date of birth as 29-2-1990. Petitioner claims that her actual date of birth is 29-10-1990, therefore, she moved an application for correction of date of birth after more than three years from the date of issuance of mark sheet, which has been rejected by the order impugned on 27-7-2018.

3. In **Anupam Kumar Soni v State of Chhattisgarh & Another**¹ and other connected writ petitions, this Court has relied on earlier decision rendered in **Sudhir Ram Bhagat v Secretary, Madhyamik Shiksha Mandal, Raipur & Another**² and held that no relief can be granted to the like petitioners after inordinate delay.
4. There is no denial of the fact that under the relevant regulations of the Board the limitation for applying the correction in date of birth is three years from the date of issuance of mark sheet. There is also no denial of the fact that in the case at hand, such application for correction in the mark sheet issued in the year 2005 was made after three years. Although the petitioner has not mentioned the date of moving such application, but the order Annexure – P/1 refers to the communication from the Head Office of the Board issued on 8-6-2012, therefore, it is highly probable that such application was moved in the year 2012 itself.
5. In **Board of Secondary Education of Assam v Md. Sarifuz Zaman and Others**³, the Supreme Court emphasized that the entries made in the certificates issued by the Board of Secondary Education should not be allowed to be changed or corrected time and again, else the very sanctity and authenticity of the entries made in the certificates will loose its significance. The aspect of delay was also highlighted. It was held thus at paras 10 & 12 :

1 WPC No.1612 of 2015 (decided on 26-2-2016)

2 2009 (3) CGLJ 103

3 (2003) 12 SCC 408

10. “Nobody can claim a right to have an entry corrected in a certificate solemnly issued by an educational institution, that too the one enjoying the status of a statutory Board under the Act. The right of the applicant to have an error or mistake corrected is accompanied by a duty or obligation on the part of the Board to correct its records and the certificate issued by it. Not only it is a corresponding duty or obligation, it has also to be perceived as a power exercisable by the Board to correct an entry appearing in the certificate issued by it. People, institutions and government departments, etc. — all attach a very high degree of reliability, near finality, to the entries made in the certificates issued by the Board. The frequent exercise of power to correct entries in certificates and that too without any limitation on exercise of such power would render the power itself arbitrary and may result in eroding the credibility of certificates issued by the Board. We, therefore, find it difficult to uphold the contention that the applicants seeking correction of entries in such certificates have any such right or vested right.

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12. Delay defeats discretion and loss of limitation destroys the remedy itself. Delay amounting to laches results in benefit of discretionary power being denied on principles of equity. Loss of limitation resulting into depriving of the remedy, is a principle based on public policy and utility and not equity alone. There ought to be a limit of time by which human affairs stand settled and uncertainty is lost. Regulation 8 confers a right on the applicant and a power coupled with an obligation on the Board to make correction in the date of birth subject to the ground of wrong calculation or clerical error being made out. A reasonable procedure has been prescribed for processing the application through the Inspector of Schools who would verify the school records and submit report to the Board so as to exclude from consideration the claims other than those permissible within the framework of Regulation 8. Power to pass order for correction is vested

on a high functionary like Secretary of the Board. An inaccuracy creeping in at the stage of writing the certificates only, though all other prior documents are correct in all respects, is capable of being corrected within a period of three years from the date of issuance of certificate.”

6. In the case at hand also, application has been moved after three years from the date of issuance of mark sheet.
7. As an upshot, the writ petition, sans merit, is liable to be and is hereby dismissed. However, liberty is reserved in favour of the petitioner to take recourse to appropriate civil remedy as observed in **Sudhir Ram Bhagat** (supra).

Sd/-

Judge
Prashant Kumar Mishra

Gowri