

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.19107 of 2018

A.Ajith

.. Petitioner

Vs.

1. The Secretary,
Central Board of Secondary Education,
New Delhi.
2. Central Board of Secondary Education,
Regional Office,
New No.3, Old No.1630, "A" "J" Block,
16th Main Road,
Anna Nagar (West), Chennai-40.
3. The Head Master,
Tagore Higher Secondary School,
Tindivanam.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the second respondent to correct the date of birth of the petitioner as 09.12.1995 in the petitioner's grade sheet cum certificate of performance dated 26.05.2013 - S.No.SSE/2013 0955092 and issue a fresh grade sheet cum performance certificate.

For Petitioner : Mr.M.Selvam

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Mandamus to direct the second respondent to correct the date of birth of the petitioner as 09.12.1995 in the petitioner's grade sheet cum certificate of performance dated 26.05.2013 - S.No.SSE/2013 0955092 and issue a fresh grade sheet cum performance certificate.

2. It is stated by the petitioner that he was born on 09.12.1995 and studied at Tagore Higher Secondary School at Tindivanam. He completed X Standard through CBSE pattern during the year 2012-2013. The second respondent-Board issued a Grade Sheet-cum-Certificate of Performance dated 25.05.2013 in S.No.SSE/2013 0955092. He completed XII Std. through State Board pattern at Jaigopal Garodia National Higher Secondary School,

Tambaram in March 2015.

3. It is further stated by the petitioner that when he joined College, it was pointed out that the Date of Birth in SSE Certificate issued by the first respondent was wrongly showing as 13.12.1994 and the petitioner's Date of Birth is 09.12.1995. Hence, the petitioner immediately approached the second respondent by giving a representation dated 04.02.2016 to correct the entry in the Grade Sheet-cum- Certificate of Performance, through the third respondent. The second respondent, by letter dated 30.03.2016, rejected the claim on the ground that such corrections can be carried out only within one year from the declaration of results. It is further submitted by the petitioner that the second respondent, by Circular, dated 10.11.2017, had extended the time limit for carrying out the correction in School Certificate to five years. Hence, the petitioner made a fresh representation, dated 18.04.2018 to the second respondent for change of Date of Birth and produced all necessary documents in support of his claim. The second respondent, by letter dated 11.06.2018, rejected the claim on the ground that the said Circular is applicable for Class X/XII 2014-2015 examination onwards only.

4. It is the grievance of the petitioner that the wrong Date of Birth will have to be corrected, otherwise, his future career would be affected. The Date of Birth in the HSC (XII) and Collegiate Certificate is the correct Date of Birth. The petitioner has produced all relevant materials and his Birth Certificate showing the Date of Birth as 09.12.1995 and hence, he prayed that the same should be incorporated in his SSE Certificate also. It is the claim of the petitioner that the second respondent has extended the time for correcting the mistake to five years only to help the students who have failed to notice such mistakes earlier. Since the second respondent did not carry out necessary correction, the petitioner has filed the present Writ Petition for the relief stated supra.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. The petitioner could have entered the School i.e. I Standard at the age of 5, if the Date of Birth is taken as 13.12.1994. Though the Birth Certificate shows the Date of Birth as 09.12.1995, for the purpose of entry into School, the parents would have given the Date of Birth as 13.12.1994. After schooling, the petitioner/student seeks for correction of Date of Birth based on the entry in the Birth Certificate. In this background, the Date of Birth should not be corrected, otherwise, it will give a wrong signal. For any other purpose, the petitioner can keep that Date of Birth as 09.12.1995, but for the purpose of education, entry into employment, etc., the Date of Birth shall be 13.12.1994. Otherwise, if the Date of Birth is corrected as 09.12.1995, the entire study between I Std. and X Std. is deemed to be void and the grade obtained in X Std. will become nullity.

7. Hence, for the above reasons, the Writ Petition is dismissed. No costs.

8. After dismissal of the Writ Petition, learned counsel for the petitioner made a representation that the petitioner's Date of Birth may be corrected atleast as per the X Std. mark-sheet as 13.12.1994 in the subsequent School and College records. If such a request is made by the petitioner, the authorities concerned can carry out the Date of Birth correction as 13.12.1994 in the School (XII) Std. and the College records.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Central Board of Secondary Education,
New Delhi.
2. The Secretary,
Central Board of Secondary Education,
Regional Office,
New No.3, Old No.1630, "A" "J" Block,
16th Main Road,
Anna Nagar (West), Chennai-40.

+1cc to M/s.M.Selvam, Advocate sr.no.50482

W.P.No.19107 of 2018

ak(co)
nr 14/08/2018

सत्यमेव जयते

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