

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3464 of 2017

In
Civil Writ Jurisdiction Case No.16783 of 2016

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Subham Kumar Jha Son of Mohan Jha, Resident of Village-Temha, Police
Station-Parbatta, District-Khagaria.

... .. Petitioner/s

Versus

1. The Union Of India Through Secretary, H. R. D. Department New Delhi,
India Namely Anil Swarup and O Son of not known.
2. The Central Board of Secondary Examination through its Secretary, New
Delhi, namely Joseph Emmanuel son of not known.
3. The Assistant Secretary, Central Board of Secondary Education, New Delhi
namely Sachin Thakur, Son of not known.
4. The Regional Officer, Central Board of Secondary Education, Baily Road,
Bihar, Patna namely Lakhan son of not known.
5. The Principal, Kendriya Vidyalaya, Kankarbag, Second Shif Bihar, Patna
namely M.K. Singh, Son of not known. null

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha
For the Opposite Party/s : Mr.S.D Sanjay Addl. Soc. Gen.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 02-04-2019 The petitioner has filed the present application for

initiating contempt proceeding against CBSE and its

functionaries for alleged violation of the order issued by the writ

court in C.W.J.C. No. 16783 of 2016 dated 19.12.2016.

Mr. Vinay Tripathi, learned counsel appearing on
behalf of the CBSE submits that firstly the order dated
19.12.2016 is not with specific direction and therefore, no
contempt is made out.

Secondly, he submits that the application was time



barred and as such it was not be obligatory on the part of the CBSE to consider the case of the petitioner even assuming that the specific direction was issued by this Court dated 19.12.2016.

Learned counsel for the petitioner submits that having regard to the totality of the facts situation when the CBSE has already framed regulation to entertain the application, once this court granted indulgence vide order dated 19.12.2016 it is not fair on the part of the CBSE to reject the application being time barred.

The Court finds substance in the submission of Mr. Tripathi that simply application will not do in order to correct date of birth. The petitioner is required to enclose the relevant document i.e. the admission withdrawal registration, admission form submitted at the time of admission and the transfer certificate submitted while taking admission. In the facts of this case the concerned school is required to furnish those document to the petitioner so that the petitioner may enclose those documents alongwith the application in this case so that correction may be carried out in the records of CBSE.

Considering the totality of facts situation, the court requests the CBSE to consider the case of the petitioner



sympathetically and in case the petitioner files application alongwith the record of the school showing actual date of birth entered in the school in question within a period of sixty days from today, the CBSE shall take appropriate decision in the light of their own regulation and record of the school and shall not reject the claim of the petitioner on the ground of time barred.

With the aforesaid, the present application stands disposed of.

(Anil Kumar Upadhyay, J)

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