

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14653 of 2019**

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1. Rakesh Kumar, Son of Late Kedarnath, Resident of Mo. Zani Bajar, Ward no. 23, P.O. and P.S.- Sasaram, District- Rohtas.
2. Ritik Kumar (Minor) Son of Rakesh Kumar, Under guardianship of natural guardian and father who has got no adverse interest against the minor, Resident of Mo. Zani Bajar, ward no. 23, P.O. and P.S.-- Sasaram District-Rohtas.

... .. Petitioner/s

Versus

1. The Union of India through the Principal Secretary, Ministry of Education, Shastri Bhawan, New Delhi.
2. The Central Board of Secondary Education Through Chair Person, Shiksha Kendra-2, Community Center, Preet Vihar, New Delhi.
3. The Secretary, The Central Board of Secondary Education, Shiksha Kendra-2, community Center, Preet Vihar, New Delhi.
4. The Examination Controller, The Central Board of Secondary Education, Shiksha Kendra-2, Community Center, Preet Vihar, New Delhi.
5. The Regional Director, Central Board of Secondary Education, Regional office, Ambika Complex, Sheikhpura, Raja Bajar, Bailey Road, Patna-14.
6. The Section officer (M and M), Central Board of Secondary Education, Regional office, Ambika complex, Sheikhpura, Bailey Road, Patna- 14.
7. The Director, DAV College Managing Committee, Chitragupta Road, New Delhi- 55
8. Regional Director, DAV Public Schools, Patna Zone, Arya Samaj Mandir, New Bailey Road, Danapur, Patna.
9. The Principal, D.A.V. Public School, Hansraj Nagar, Admapur, Sasaram District- Rohtas.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. D. K. Sinha, Sr. Advocate |
|                      |   | Mr. Bajarangi Lal, Advocate   |
| For the Respondent/s | : | Mr. V. K. Tripathi, Advocate  |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      22-07-2019                      Heard learned counsel for the petitioners and the respondents.

2. The petitioner no.1 is guardian of petitioner no.2  
and as such he has filed the writ application raising the



grievance of petitioner no.2.

3. The grievance of petitioner no.2 is non-consideration of his case for correction in the date of birth by the Central Board of Secondary Education.

4. Mr. D. K. Sinha, learned senior counsel appearing on behalf of petitioners submits that from the impugned order, it would be evident that the case of the petitioner was not considered for correction in the date of birth of the petitioner no.2 by the respondents since he belated approached the C.B.S.E. which is factual error.

5. Mr. Sinha further submits that Annexure-3 does not bear the signature of the father, mother and the student and as such the entry as to the date of birth is not authentic and the respondents are obliged to make necessary correction of the date of birth of the petitioner.

6. Per contra, Mr. Vijany Krishna Tripathi, learned counsel for the CBSE submits that CBSE cannot make any change in the date of birth of the petitioner for the reasons: (a) that the date of birth claimed by the petitioner does not correspond to the school register wherefrom the petitioner no.2 appeared in the CBSE examination and (b) he submits that the date of birth claimed on the basis of Annexure-2 Series is



dated 09.12.2014 cannot be taken into consideration for correction in the date of birth, as it is post admission certificate and not the pre admission date of birth certificate and as such no reliance can be placed on the birth certificate of the petitioner no.2, as contained in Annexure-2 series.

7. Annexure-8 indicates that the school register does not support any correction in the date of birth, as entry in the school register shows the date of birth 11.11.2000 and declaring the date of birth of the petitioner as 11.11.2002 contrary to record of School is not sustainable.

8. Considering the fact that the basis of birth certificate entered in CBSE is school records and entry made in the CBSE can only be corrected, if any discrepancy in the record of CBSE is found contrary to the admission register and other records of the school.

9. In view of the aforesaid, the writ application does not merit any consideration, it is accordingly dismissed.

**(Anil Kumar Upadhyay, J)**

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