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**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 667 of 2019**

1. Bhojendra Kumar Sinha S/o Budhmal Sinha Aged About 21 Years R/o Village Chikhladih, Post Kohkameta, Tehsil Keshkal, District Kondagaon Chhattisgarh.

**---- Petitioner****Versus**

1. Chhattisgarh Board Of Secondary Education Through The Secretary Chhattisgarh Board Of Secondary Education Raipur District Raipur Chhattisgarh.
1. Secretary Chhattisgarh State Open School Raipur Chhattisgarh.

**---- Respondents**

For Petitioners

Shri U.N.S Deo, Advocate

For Respondent No.1

Shri H.B. Agrawal, Sr. Adv. with Ms  
Prabha Sharma, Advocate.**Order on Board****By****Prashant Kumar Mishra, J.****25-2-2019**

1. In this petition under Article 226 of the Constitution of India the petitioner seeks a direction to the respondents to consider his application for correction of his date of birth in the mark sheet of High School Certificate Examination (10<sup>th</sup> standard examination) held in the month of May, 2014.

2. Petitioner seeks a direction on the strength of an order passed by this Court in **Anshu Belkhede v Chhattisgarh Board of Secondary Education**<sup>1</sup> whereas Shri H.B. Agrawal, learned senior counsel appearing for the respondent No.1 would refer to the law laid down by this Court in **Sudhir Ram Bhagat v Secretary, Madhyamik Shiksha Mandal, Raipur & Another**<sup>2</sup>.
3. Admittedly, the regulation governing application for correction of date of birth requires that the application should be preferred within a period of three years from the date of issuance of mark sheet. For other corrections e.g. name of student or his/her parents, surname, spelling, etc. time allowed for admitting such correction is 20 years.
4. It is also not in dispute that for the first time the petitioner moved the application before the respondent No.1 for correction of date of birth on or about 15-10-2018 which is beyond the prescribed period of three years from May, 2014.
5. In **Sudhir Ram Bhagat** (supra) this Court refused to entertain the writ petition which was filed after the prescribed period of limitation fixed by the Board for entertaining an application for correction of date of birth. The Court, however, reserved liberty in favour of the petitioner to take recourse to the

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<sup>1</sup> WPC No.338 of 2018 (decided on 7-2-2018)

<sup>2</sup> 2009 (3) CGLJ 103

competent civil jurisdictional Court for declaration of his date of birth.

6. The later decision in **Anshu Belkhede** (supra) has issued a simple direction for deciding the representation without referring to the earlier decision rendered in **Sudhir Ram Bhagat** (supra), therefore, in my considered opinion, when the application has been moved after the prescribed period of three years no direction can be issued for deciding the representation.
7. In view of the above, the writ petition deserves to be and is hereby disposed of without interfering in the matter, however, liberty is reserved in favour of the petitioner to approach the jurisdictional civil Court for declaration of his date of birth, if so advised.

Sd/-

Judge

Prashant Kumar Mishra

Gowri