

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 4181 of 2019

Shivram S/o Chhannuram Ursa Aged About 30 Years R/o Village Pondum,
Panchayat Patarpara, Tahsil Bhairamgarh, District Bijapur, Chhattisgarh.

--- Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary Department of Education, Mahanadi Bhawan, Atal Nagar Naya Raipur, District Raipur, Chhattisgarh.
2. Chhattisgarh Board Of Secondary Education Through The Secretary, Indrawati Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
3. The Principal Government Higher School Nelasnar West Baster Bijapur, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Jitendra Gupta, Advocate
For State	:	Ms. Ishwari Dhritlahre, Panel Lawyer.
For Respondent 2	:	Shri HB Agrawal, Sr. Advocate along with Ms. Richa Dwivedi, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21.11.2019

1. The claim of the petitioner in the present writ petition is for an appropriate direction to the respondent No.2 to correct the date of birth of the petitioner from the High School Certificate issued to the petitioner.
2. According to the petitioner, he had passed High School Examination in the year, 2009 and in the certificate his date of birth has been mentioned as "04.11.1989". According to the petitioner, the said date of birth is incorrect and his actual date of birth is "04.11.1993" and he has moved an application for correction of his date of birth which till date has not been decided by the respondents.
3. At the outset, this court is of the opinion that the writ petition suffers from delay and laches. The petitioner had cleared High School Examination in the year, 2009. The petitioner received certificate in the year, 2009 itself. The first application for correction of date of birth in the said certificate has been made in September, 2019 i.e. well after more than 10 years. Under

the rules governing the respondent No.2-establishment, the correction of date of birth is permissible only in case if application is moved within a period of three years from the date of receipt of certificate. No plausible explanation has been furnished by the petitioner which could be accepted for the delay that has arisen in not filing application within time. Moreover, 10 years time is a very long time for moving appropriate application for correction of his date of birth in the high school certificate.

4. Once when admittedly the application has not been preferred within a period of three years time which is permissible, the application now made after more than a decade cannot be and should not be entertained for correction of his date of birth when the petitioner knowingly for the last 10 years did not take any efforts for getting the same corrected.
5. The writ petition accordingly is not sustainable. The same deserves to be and is hereby rejected. However, the petitioner would be at liberty to avail other remedies open to him for ventilating his grievances, if permissible under the rules.

Sd/-
(P. Sam Koshy)
Judge

inder