

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 4478 OF 2019**

Rahul Kumar Thawait, S/o Shri Vijay Kumar Thawait, aged about 22 years, R/o near Smriti Udyan, Ward No.18, Opposite Arya Colony, Janjgir (Champa), PS: City Kotwali, Janjgir (Champa), Chhattisgarh.

... Petitioner**versus**

1. The State of Chhattisgarh, through: the Secretary, Chhattisgarh Board of Secondary Education, Raipur (CG)
2. The Secretary, Chhattisgarh Board of Secondary Education Campus, Pension Bada, Raipur (CG)

... Respondents

For Petitioner	:	Mr. Sunil Kumar Soni, Advocate
For Respondents	:	Ms. Abhyunnati Singh, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09.12.2019**

1. The claim put forth by the petitioner in the present writ petition is for an appropriate direction to respondent no.2 for correction of the date of birth of the petitioner in his class 10th mark-sheet issued by respondent no.2.
2. According to the petitioner, his actual date of birth is 31.1.1997, however, due to inadvertence, his date of birth has been mentioned in the mark-sheet as 31.7.1997. Contention of the petitioner is that the said inadvertence is on account of clerical error on the part of the respondents and the school authorities and not on the part of the petitioner and, therefore, when the petitioner has moved an application for correction of his date of birth, the respondents ought to have taken a decision on the said application and have permitted the correction of his date of birth by issuance of an amended mark-sheet. According to the petitioner, he had made his first representation in this regard on 27.6.2016 (Annexure P-3) and thereafter he has sent a reminder on 3.10.2019 (Annexure P-4) and the respondent authorities have vide their correspondence dated 22.10.2019 (Annexure P-5) have intimated their inability for correction on the ground of the request for correction being made beyond the period of three years as per the rules governing the field.

3. Further contention of the petitioner is that the correspondence dated 22.10.2019 (Annexure P-5) bears an order of the State authorities dated 10.4.2013 by which the period of limitation of three years was prescribed. According to the petitioner, since he had appeared in the examination much before the order dated 10.4.2013 was passed and therefore the said order would not be applicable upon the petitioner and since the petitioner was a minor at that point of time, the period of limitation would start from the petitioner attaining the age of majority which he had attained in the year 2015 and therefore the rejection of his application is bad in law, particularly keeping in view of the provisions of Section 6 of the Limitation Act.

4. Having heard the contentions put forth by the petitioner, what is to be seen is that the petitioner has passed his class 10th examination in the academic session 2011-12. He got the mark-sheet in June, 2012. The first representation as per the petitioner himself was filed by him on 27.6.2016, that is much after more than four years from the passing of class 10th by him. The order of respondent no.2, dated 10.4.2013, prescribing the period of three years of limitation, came into force immediately with effect from 10.4.2013 itself. If we look at the date of the first representation that the petitioner had made, it would reveal that the petitioner in fact had made the said representation also beyond the period of three years started from 10.4.2013.

5. As regards the correction of date of birth is concerned, the respondent no.2 institution are always governed by their own rules and regulations. They have their norms prescribing for correction of date of birth also and also for correction of any typographical errors so far as the names and other particulars are concerned. The respondents have prescribed certain period of limitation within which a person seeking correction in his mark-sheet has to approach the authorities concerned. It cannot be presumed that a person knowing fully well that there are certain errors in respect to the entries made in his mark-sheet would be permitted to approach the authorities for correction of the same at his own sweet will. It is always expected that any error which has been crept in the

mark-sheet has to be got corrected at the earliest and within a reasonable period of time.

6. In the instant case, the petitioner got his mark-sheet in June, 2012 and he for well over four years of time had not approached the authorities for correction and thereafter it appears that he has moved a representation way back in the year 2016 and the second reminder representation has been filed again with a gap of more than three years on 3.10.2019 (Annexure P-4). This attitude on the part of the petitioner itself would show that he was not very keen to pursue this in spite of knowing fully well that his date of birth has wrongly been mentioned in his class-10th board mark-sheet.

7. Given the said facts, this Court does not find it to be a strong case made out by the petitioner calling for issuance of any direction to the respondents for correction of his date of birth in his class-10th mark-sheet.

8. The writ petition thus fails and the same is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge