

10 07.09.2021
rkd Ct.05

W.P.A. 13231 of 2021
(Through Video Conference)

Sandeep Yadav
-vs-
Union of India & Ors.

Mr. Joydeep Sen,
Mr. Guddu Singh

....for the petitioner.

Mr. Rabindranath Bag

....for the respondent nos.2 to 5.

Father of the student reading at present in Class-IX in Kendriya Vidyalaya, Ballygunge, Kolkata, has approached this Court with the present writ petition praying for correction of date of birth of his daughter. According to the writ petitioner the correct date of birth of his daughter, namely, Miss Lakshita Yadav is 8th April, 2008 but inadvertently Rewari Municipality, Haryana, issued birth certificate in support of date of birth of the petitioner's daughter stating 8th March, 2008 in place of 8th April, 2008. Petitioner's daughter is presently reading in Class-IX in Kendriya Vidyalaya, Ballygunge, Kolkata and for correction of her date of birth writ petitioner approached said Rewari Municipality and accordingly by issuing fresh birth certificate the date of birth of the daughter has been corrected. On the strength of

revised birth certificate containing the date of birth of the daughter of the petitioner as 8th April, 2008 approach was made before the concerned authority of Kendriya Vidyalaya, Ballygunge, Kolkata, for correcting the records pertaining to the petitioner's daughter so that date of birth of the petitioner's daughter is corrected and endorsed as 8th April, 2008 in place of 8th March, 2008. The concerned authority of Kendriya Vidyalaya, Ballygunge, Kolkata by issuing Memo dated 13th July, 2021, at page 57 of this writ petition, spurned the request of the writ petitioner on the ground that had there been correction of date of birth as prayed for by the writ petitioner the admission of petitioner's daughter in Class-I would not have been permitted.

This Court has heard Mr. Sen, learned advocate representing the writ petitioner who has submitted that the writ petitioner acted bona fide on the basis of the birth certificate containing incorrect date of birth and took steps for admission of his daughter in Class-I at the relevant point of time. On finding that the date of birth was wrongly noted in the birth certificate he approached Rewari Municipality and accordingly, said municipality authority issued revised birth certificate on 11th October, 2012 and it has been submitted on behalf

of the writ petitioner that such birth certificate was handed over to the petitioner in the year 2013. Meanwhile the writ petitioner being an employee of the Central Government was transferred from one place to another and ultimately he was transferred to Kolkata in the month of January, 2021 and got her daughter admitted in Class-IX in Kendriya Vidyalaya, Ballygunge, Kolkata. After admission of the daughter of the petitioner in Class-IX in Kendriya Vidyalaya, Ballygunge, Kolkata, writ petitioner approached the school authority for correction of date of birth on the strength of revised birth certificate containing correct date of birth i.e. 8th April, 2008 and it is also submitted on behalf of the petitioner that before commencement of registration process of the daughter of writ petitioner for appearing in CBSE Examination in 2022 such correction is required to be made, otherwise in future the petitioner will not get any opportunity to have the date of birth of his daughter corrected.

Mr. Bag, learned advocate representing the respondent nos. 2 to 5, opposes the prayer of the writ petitioner since the request made by the petitioner to the school authority was spurned vide Memo dated 13th July, 2021 issued by the principal

of the said school and it is the contention made on behalf of the school authority by Mr. Bag that school is not the appropriate authority for making such correction. Therefore such correction should have been made by the concerned authority of the Central Board of Secondary Education (CBSE) for taking necessary steps.

Considering the rival submission made on behalf of the respective parties this Court finds that there is merit in the submission made on behalf of the writ petitioner and this Court also appreciates the fact that since there was correction of date of birth made by the concerned Rewari Municipality so it is the correct time for the writ petitioner to approach the school authority before commencement of the registration process for having the date of birth of his daughter corrected upon placing reliance on the revised birth certificate dated 11th October, 2012 which is at page 57 of the writ petition.

In above conspectus of facts the Memo dated 13th July, 2021 issued by the Principal of Kendriya Vidyalaya, Ballygunge, Kolkata is set aside and the respondent nos. 2 to 5 are directed to correct the date of birth of the writ petitioner's daughter, namely, Lakshita Yadav in the records

maintained by the school authority upon placing reliance on the revised birth certificate within a period of fortnight from the date of communication of this order.

Accordingly, the writ petition is disposed of.

There shall be no order as to costs.

Affidavit-of-service filed in Court be kept with the record.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)