

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1007 WRIT PETITION NO.10552 OF 2021

YASH CHNDRAKANT DESHMANE SALL WAGES QUARTERS
VERSUS
CENTRAL BOARD OF SECONDARY EDUCATION REGIONAL OFFICE
THROUGH ITS REGIONAL OFFICER

...
Mr. Yadkikar Amit A., Advocate for the Petitioner
Mr. A.B. Dhongade, Standing Counsel for Respondent Nos.1 to 3

...
**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 21st October, 2021

P.C. :

1. The petitioner is seeking direction against the respondent No.1 to change his 'Date of Birth' from 26.06.2002 to 22.06.2002 on the 10th mark statement-cum-certificate. The application of the petitioner came to be rejected on the ground that, Clause-69.3 of the examination bylaws of the Central Board of Secondary Education does not permit change in Date of Birth after the submission of application form for the examination to the Board.

2. Mr. Yadkikar, the learned counsel refers to Clause-69.3 A (iv) to submit that, the powers vest with the respondent/authority to correct the Date of Birth within five (05) years of the date of declaration of result. The petitioner had applied within a period of two years and the School had also submitted the proposal and all the

documents to the Board. Mr. Yadkikar, the learned counsel also submits that, in all other records, such as School Records, Aadhar Card, the date has been corrected to 26.06.2002 and the same is in consonance with the date recorded under the Registration of Births and Deaths Act, 1969.

3. Mr. Dhongade, the learned counsel submits that, provisions of Clause-69.3 of the examination bylaws of the Board are clear and unambiguous. The petitioner had not submitted the application within time i.e. before filling of the application form of the examination.

4. We have considered the submissions.

5. It does not appear to be the matter of dispute that, the petitioner had filed the application after filling of the examination form, within five(5) years of the declaration of result. The petitioner it appears has filed the application within two years of the declaration of result. The Head Master has also forwarded all the documents to the Board. The respondents could have invoked 69.3 A (iv), which read thus:

“(iv) The application for correction in date of birth duly forwarded by the Head of school along with documents mentioned in byelaws 69.2(iii) shall be entertained by the Board only within Five Years of the date of declaration of result. No correction

whatsoever shall be made on application submitted after the said period of Five Year.”

6. The change i.e. also sought to be made, is a change from the date 26.06.2002 to 22.06.2002. The same is also not major change.

7. Considering the aforesaid aspects of the matter, the impugned order is set aside. The respondent No.1 shall consider the application of the petitioner for change of ‘Date of Birth’ in the 10th markstatement-cum-certificate and pass the orders, preferably within a period of six (06) weeks. The same shall not be rejected on the ground that, the application of the petitioner is submitted after the petitioner had filled in the examination form.

10. Writ Petition is, accordingly, disposed of. No costs.

(R. N. LADDHA, J.)

(S. V. GANGAPURWALA, J.)