

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.180 of 2020

In
Civil Writ Jurisdiction Case No.23249 of 2018

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1. Bihar School Examination Board (Secondary) Patna, the Chairman.
 2. The Chairman, Bihar School Examaitnion Board (Secondary), Patna.
 3. The Secretary, Bihar School Examination Board (Secondary), Patna.
 4. The Examaitnion Controller, Bihar School Examination Board (Secondary), Patna.

... .. Appellant/s

Versus

Deepak Kumar, Son of Shivrath Prasad Singh, Resident of Village - Sisai, Police Station- Gorea Kothi, District- Siwan, at present resident of F-69 (A), Block - F, Adhyapak Nagar Nangli, West Delhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Ms.Binita Singh

For the Respondent/s : Mr.Mirtunjay Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

6 10-05-2022

Re: Interlocutory Application No. 2 of 2020

By way of the present Interlocutory Application, the appellants seek for condoning the delay in filing the memo of appeal.

For the reasons mentioned in the Interlocutory Application, the delay in filing the memo of appeal is condoned.

Interlocutory Application No. 02 of 2020 is allowed.

L.P.A. No. 180 of 2020

Heard Ms. Binita Singh, the learned counsel for the



appellants and Mr. Mirtunjay Kumar, the learned counsel for the respondent.

By order dated 18.10.2019, the learned Single Judge has directed the appellant to make correction in the date of birth of the respondent in consonance with the date of birth entered in the Admit Card which was issued by the Bihar School Examination Board (hereinafter referred to as the “Board”) to him.

The learned counsel for the appellants has submitted that the learned Single Judge did not take into account that in the marksheet and the certificate of matriculation, the date of birth of the respondent has been shown as 01.03.1977. For some reason or the other, even if the Admit Card issued by the Board to the respondent showed his date of birth to be 08.10.1977, that could not have been any clinching evidence with respect to the correct projection of the date of birth of the respondent as 08.10.1977.

It has further been urged on behalf of the appellants that the learned Single Judge did not at all consider the fact that such a request was made by the respondent after 26 years of the issuance of matriculation certificate.

Though we have found a peculiar statement in the



memo of appeal, specially para -6 thereof, but we have accepted the explanation of Ms. Binita Singh, the learned counsel for the appellants that there was an inadvertent mistake and such mistake only crept in because of unhappy drafting and that also while explaining about the case of the respondent.

For the reason of the order of learned Single Judge not advertent to two basic facts, namely, the date of birth of the respondent having been shown as 01.03.1977 in all the documents except the Admit Card and such issue having been raised after 26 years, we are not inclined to sustain the aforesaid order.

The order dated 18.10.20.19 passed in C.W.J.C. No. 23249 of 2018 is set aside.

The appeal stands allowed.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

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