

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

66 WRIT PETITION NO.6260 OF 2022

PRATIK SHIVAJIRAO KSHIRSAGAR
VERSUS
MAHARASHTRA STATE BOARD OF SECONDARY AND HIGHER
SECONDARY EDUCATION AND AOTHER

Mr.A. A. Joshi, Advocate h/f Mr. S. V. Natu,
Advocate for the petitioner
Mr. S. P. Tiwari, AGP for the respondents/State
Ms. Surekha Mahajan, Advocate for respondent No.1

CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.

DATE : 27th June, 2022

P. C.

1. The petitioner is an 18 years old student who has putforth prayer clause 'B' as under:-

B] Rule may kindly be made absolute and by issuing appropriate writ or direction in the like nature, respondent be directed to correct the date of birth of petitioner as 25-03-2004 instead of 24-03-2004 in petitioner's SSC Certificate.

2. We have perused the birth certificate of the petitioner which indicates his date of birth as 25-03-2004. The birth certificate is issued on 26-04-2004 and has presumptive value. The SSC marks memo indicates his date of birth as 24-03-2004, thereby leaving a discrepancy of one day.

3. The advocate representing respondent No.1 Board submits that the school has not forwarded any representation to the department. So also, the Education Officer, Zilla Parishad, Parbhani has also not forwarded a request for correction.

4. The petitioner points out a copy of the letter issued by the Education Officer (Secondary), Zilla Parishad, Parbhani dated 29-04-2022 addressed to respondent No.1 praying for

correcting the date of birth. A similar letter dated 02-05-2022 is on record which indicates that the school has forwarded a request to respondent No.1.

5. Be that as it may, now that the petition has been served upon respondent No.1 and they are aware of the communication by the Education Officer and the school, we do not find that further time should be consumed in this matter, as the petitioner has already lost an opportunity of appearing for his JEE exam i.e. first round. Second round is expected around 15-07-2022.

6. In view of the above, this petition is allowed, with the following directions:-

(a) We direct respondent No.1 to

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carryout the correction in the SSC certificate indicating the date of birth as 25-03-2004.

(b) The petitioner shall surrender the original SSC certificate to the concerned Board at Aurangabad on 05-07-2022 alongwith a copy of this order.

(c) The learned advocate representing respondent No.1 would intimate the Board that the corrected certificate should be issued on 11-07-2022.

(d) The petitioner shall appear before the Board on 11-07-2022, personally and collect the said certificate.

[ANIL L. PANSARE, J.]

[RAVINDRA V. GHUGE, J.]