

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1728 of 2019

=====

Sumitra Kumari D/o Ramashis Rai, W/o Ranjeet Kumar R/o Village-Chakiya
Jalalpur, P.O. Giddha, Dist.-Muzaffarpur

... .. Petitioner/s

Versus

1. Bihar School Examination Board and Ors Bihart, Patna through its Chairman
2. The Chairman, Bihar School Examination Board, Sinha Library Road, Patna
3. The Secretary, Bihar School Examination Board Sinha Library Road, Patna
4. The Assistant Secretary, Bihar School Examination Board Sinha Library Road, Patna
5. The Principal, Rajkiya Krit High School, Karja, Muzaffarpur

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Shukla, Advocate
For the Respondent/s : Mr. Gyan Shankar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 17-08-2023 Heard learned counsel for the petitioner and learned
counsel for the Bihar School Examination Board (hereinafter
referred to as the 'Board').

2. Petitioner in the present writ application is seeking
the following reliefs:-

“(i) To issue a writ in the nature of certiorari for
quashing the letter containing Memo No.D/D-1162
dated 11.09.2017 issued by the Assistant Secretary,
Bihar School Examination Board (hereinafter
called as Board for brevity), whereby and
whereunder the Application of the petitioner for
rectification of her Date of Birth has been rejected
merely on the ground that since she is working in
the Government Service, thus her application for



the said purpose is not accepted which is patently illegal in the eyes of law.

ii. To issue a writ in the nature of Mandamus directing the Respondent Authority to correct the Date of Birth of the petitioner from 07.05.1972 to 07.05.1977 as per the Date of Birth mentioned in the Primary School record and others record.

iii. To hold and adjudicate that the Date of Birth mentioned in the primary record is correct and on the basis of same the Date of Birth mentioned in the matriculation certificate may be rectified as 07.05.1977 in place of 07.05.1972.

iv. To issue any appropriate writ/writs, direction/directions, order/orders as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.”

3. It is the case of the petitioner that she was admitted in middle school namely Government Middle School, Jhakhara, Muzaffarpur and her date of birth was recorded as 07.05.1977. In the School Leaving Certificate of the middle school also her date of birth is 07.05.1977. She was admitted to Rajkiyakrit High School, Karja, Muzaffarpur and completed her matriculation from the said school in the year 1992 and passed in second division. There also, it is stated that the date of birth of the petitioner is mentioned as 07.05.1977.

4. The petitioner submits that due to some technical fault of the Board the petitioner's date of birth has been



mentioned as 07.05.1972 in the records of the Board which is incorrect. She has stated that she took admission in intermediate in the year 1992 and completed the same in the year 1994 wherein her date of birth has been mentioned as 07.05.1977. In her B.A. (Hons.) examination which she passed, the date of birth has been recorded as 07.05.1977.

5. Learned counsel submits that the petitioner was appointed as Panchayat Siksha Mitra in Primary/Middle School, Mahua Singh Rai, Mahua, Vaishali in the year 2006 where her date of birth in Medha Suchi has been mentioned as 07.05.1977. It is submitted that her PAN Card and Aadhar Card also mentioned the same date of birth, but when the petitioner received her original certificate of matriculation on 06.10.2016 she could not approach the Board earlier for correction of her date of birth but when she came to know about the discrepancy in her date of birth from the certificate issued by the Board she approached the Board for correction which has been rejected by the impugned order.

6. Learned counsel for the Board has opposed this application. It is submitted that since 1991 itself the Board's document shows that the petitioner's date of birth is 07.05.1972 and not 07.05.1977. Her date of birth is mentioned in the



registration receipt as well as in the admit card issued to the petitioner but she never objected to the said date of birth. She lodged her complain regarding her date of birth before the Board routed through her Principal of school only on 11.11.2016 which is after 25 years of the passing of the matriculation examination. The Board having noticed that the petitioner has approached the Board after 25 years and even the Bihar Financial Rule, 1996 provides for a limitation in considering cases of correction in the date of birth of personnel engaged in government service and not to consider for correction in the date of birth of service personnel after a lapse of ten years, vide its proceeding dated 27th September, 2006 a similar view was taken by the Board and following these materials, the request of the petitioner has been rejected.

7. Mr. Gyan Shankar, learned counsel for the Board submits with reference to Annexure- 'A', 'B' and 'C' that these are the registration receipt, identification letter and admit card of the petitioner which are consistently showing her date of birth as 07.05.1972. It is further submitted that even though the petitioner claims her date of birth of the year 1977 through various records of the intermediate and the graduation courses but there is no statement in the writ application as to on what



basis a different date of birth was recorded in the intermediate course. The petitioner is unable to explain that how she got admission in the intermediate class showing a different date of birth without producing her matriculation certificate.

8. It is submitted that the Board is always sending the certificates to the concerned school and it is not the case of the petitioner that the certificate of the petitioner was not sent to the school from where she had completed her matriculation, therefore, her statement at this stage that she got to know about her date of birth from the matriculation certificate issued in the year 2016 is not worth reliable and this Court sitting under Article 226 of the Constitution of India may not enter into recording a finding of fact with respect to the disputed documents.

9. Having regard to the facts and circumstances of the case, the nature of dispute and the fact that the petitioner has raised an issue as to her date of birth recorded in the matriculation certificate more than 10 years after she got an employment in the year 2006, these are the matters which are involving disputed question of facts, it would not be appropriate for this Court to enter into upon any adjudicatory process on such issues.



10. This writ application is, thus, dismissed but with liberty to the petitioner to seek her remedy, if so advised, before appropriate court in appropriate jurisdiction.

(Rajeev Ranjan Prasad, J)

arvind/-

U			
---	--	--	--

