

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.308 of 2019

In

Civil Writ Jurisdiction Case No.13539 of 2018

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Sunil Kumar Prabhakar, son of Shri Gangadhar Yadav, Resident of Village
and P.O.- Bishanpur, P.S.- Lukaha, District- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar through its Secretary, Education Department, Bihar, Patna.
2. The Secretary, Bihar Sanskrit Siksha Board Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anand Prakash Prabhakar, Advocate
For the Respondent/s : Mr. S.S. Sundram, Advocate
Mr. Shashank Shekhar Jha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-10-2023

The appellant impugned the order of the learned Single Judge which rejected his claim for change of date of birth. The appellant's certificate of having passed Madhyama examination issued by the Bihar Sanskrit Shiksha Board in 2000 showed his date of birth as 30.12.1984. The appellant's contention is that actually his date of birth is 07.04.1985. It is asserted that the Transfer Certificate issued by the school shows the date of birth as 07.04.1985.

2. The learned Single Judge found that as per Annexure-4 representation the contention of the appellant itself



is that the date of birth entered in the certificate was due to a mistake committed by himself. Finding that the appellant has approached the Court after two decades, the writ petition was dismissed.

3. Learned counsel for the appellant argued before us that there is no reason to find delay since he had made a number of representations before the authorities. There are a number of representations produced along with the writ petition which are marked as Annexures 2 to 8. It is trite that unrepresented memorials do not save limitation. In the present case, the certificate itself was issued in the year 2000 and the petitioner had approached this Court in the year 2018. We are convinced that the aspect of delay as noticed by the learned Single Judge was perfectly in order.

4. We specifically queried the appellant as to his date of birth certificate and the appellant pointed to Annexure-1; which is only a Transfer Certificate issued by a Headmaster. The Transfer Certificate cannot establish the date of birth and no valid certificate, reliable legally, has been produced. We find no reason to accept the claim for change of date of birth.

5. The appellant submits that at the time the certificate was issued he was a minor, but it is a fact that he became a



major within 2/3 years from the issuance of the certificate and he did not agitate his cause at any reasonable time after the attainment of majority. It has to be reiterated that even now he does not produce a valid certificate to establish his date of birth.

6. The appeal stands dismissed.

7. Interlocutory Application(s), if any, shall stand closed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

P.K.P./-

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