

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17907 of 2018

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Raj Shree D/o Raj Kumar Prasad Resident of Behind Brahmasthan Mandi,
Station Road, Gulzarbagh, P.S. - Alamganj, District - Patna.

... .. Petitioner/s

Versus

1. The Union Of India through its Secretary Ministry of Human Resource Development, Govt. of India, New Delhi.
2. The Director, National Institute of Open Schooling Noida, New Delhi.
3. Secretary, National Institute of Open Schooling, Nodia, New Delhi.
4. Senior Executive Officer, National Institute of Open Schooling, Lalit Bhawan, Jawahar Lal Nehru Marg, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Rajeev, Advocate
For the NIOS : Ms. Punam Kumari Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 12-07-2023 Heard learned counsel for the petitioner and learned
counsel for the National Institute of Open Schooling
(respondent nos.2 to 4).

By filing this writ application, the petitioner is
praying for a direction to the respondents to correct her date of
birth in the marksheet and provisional certificate of Secondary
School Examination, NIOS, New Delhi. According to the
petitioner, the marksheet and the provisional certificate wrongly
mentions her date of birth as 23rd July, 1981 instead of
12.01.1992.

Learned counsel for the petitioner has relied upon a
copy of the student identity card (Annexure- '1') to submit that



in the said card the date of birth of the petitioner has been mentioned as 12.01.1992. It is submitted that the petitioner had made an application to the Secretary of the school to allow the correction but the same has not been done.

On the other hand, by filing a counter affidavit, the abovementioned respondents have contested the writ application. It is submitted that by virtue of the office order no.50/2012 issued by the NIOS Headquarter vide letter no. 42-7.30/2012 dated 27.01.2012 which relates to the weeding out of old official records of NIOS like papers relating to verification of education certificates, a period of five years has been fixed and the admission forms filled up by the candidates for Board examination two years period has been fixed for preservation. It is stated that because of weeding out of the documents, the original documents, if any, in support of the date of birth of the petitioner which could have been available on the record cannot be produced.

Learned counsel submits that NIOS admission process are online and the petitioner has to submit all details like the petitioner's basic details i.e. name, date of birth, gender, aadhar card number, mobile number etc. It is submitted that the petitioner's date of birth as per her own online application is



23.07.1981. A copy of the online registration form filled up by the petitioner has been placed on record with the supplementary counter affidavit.

Learned counsel for the school further submits that the petitioner has applied for correction of date of birth four years after issuance of the marksheets and certificates and at this stage only on the basis of the entry in the identity card which has been wrongly addressed as admit card while arguing the matter on 06.09.2018 cannot be relied upon to correct the date of birth.

Having heard learned counsel for the petitioner and the respondents, in the facts of the present case and the materials available on the record, this Court is of the considered opinion that by taking up the issue of correction as regards her date of birth after four years, the petitioner has moved this Court with such a delay that it would make her disentitle for the reliefs under Article 226 of the Constitution of India. There is no clinching material on the record on the basis of which this Court can record a finding as to the date of birth of the petitioner. The issue being disputed, this writ application is not being entertained and the same is being disposed of with liberty to the petitioner to seek her remedy before a competent court, if so



advised, for declaration of her date of birth.

This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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