

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11024 of 2021

Nitu Kumari Daughter Of Rabindra Nath Prasad Resident Of Village-Kukurbhunka Ward No.6, Post-Nawanagar, P.S.-Nawanagar, District-Buxar, Bihar-802129. Presently Resides At Mohalla-Balamichak, Post-Anisabad, District-Patna, Bihar-800002.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Human Resources Development, Shastri Bhawan, C-Wing, Dr. Rajendra Prasad Road, New Delhi-110001.
2. The Central Board of Secondary Education, through its Chairman, (An Autonomous Organisation) Under the Ministry of Human Resources Development), Head Office, No.2, Shiksha Kendra Community Centre, Preet Vihar, New Delhi-110092.
3. The Controller of Examiner, Central Board of Secondary Education, Central Board of Secondary Education, Head Office, No.2, Shiksha Kendra Community Centre, Preet Vihar, New Delhi-110092.
4. The Regional Officer, Central Board of Secondary Education, Regional Office, Ambika Complex, Baiely Road, Behind State Bank Colony, Near Raja Bazar, Sheikhpura, Patna, Bihar-800014.
5. Principal D.A.V. Public School, Phulwarisharif, Patna A School affiliated to Central Board of Secondary Education
6. Principal, D.A.V. Public School, A/88, Gandhi Vihar, Police Colony, Anisabad, Patna, Bihar-800002, A School affiliated to Central Board of Secondary Education.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Akanksha Malviya, Adv. Mr. Akash Keshav, Adv. Dr. Shuchi Bharti, Adv.
For the UOI		Mr. Dr. K.N. Singh, ASG
For the Respondents	:	Mr. Vinay Krishna Tripathy, Adv. Mr. Anil Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 29-07-2024 Heard learned counsel for the parties.

2. This writ petition has been filed for the following

reliefs:



“(i) For correction of date of birth of petitioner in the Marks Statement of All India Secondary School Examination, 2018 conducted, furnished and issued by Central Board of Secondary Education wherein it is recorded erroneously as 28.02.2001 instead of 25.01.2003.

(ii) To hold and declare that the correct date of birth of the petitioner is 25.01.2003.

(iii) For directing the respondent authorities as concerned regarding furnishing the fresh Marks Statement as well as Certificate of the petitioner and registration papers/records of All India Secondary School Examination, 2018 conducted by Central Board of Secondary Education by making necessary correction as correct and issue the same to her as earliest possible.

(iv) For directing the concerned respondent authority for making necessary correction in the records/registration paper/Marks Statement/Certificates of subsequent courses and examination if held, furnished, and issued by the Central Board of Secondary Education.

(v) For any other relief or reliefs for which petitioner is entitled to.”

3. The brief facts of the case is that the petitioner was



a student of D.A.V Public school, A/88, Gandhi Vihar, Police Colony, Anisabad, Patna, Bihar 800002, A School affiliated to Central Board of Secondary Education (hereinafter to be referred as the "Board") and managed by D.A.V College Managing Committee, Chitrgupta Road, New Delhi-55. Her first admission was taken on 16.09.2009 vide admission No. 4408 and she extended till class VII. Her date of birth was recorded as 25.01.2003 in the School record. She was further transferred to D.A.V Balmi, Phulwarisharif, Patna by promoting in Class VIII after passing class VII and for the same transfer certificate was issued, where in the transfer certificate date of birth of petitioner has been wrongly mentioned as 28.02.2001 in place of 25.01.2003. The real date of birth of petitioner is 25.01.2003. She took birth at Purnia where her father was posted as Veterinary Doctor at that time, and in this regard the birth certificate was issued vide No. 357299 dated 10.03.2004 in which date of birth of the petitioner has been mentioned as 25.01.2003. Learned counsel for the petitioner further submits that the petitioner appeared in the All-India Secondary School Examination, 2018 i.e., Class X vide roll No. 7187359. The result published and she passed the examination. The Marks Statement was furnished and issued on 29.05.2018 vide No.



0765662, wherein her date of birth is recorded as 28.02.2001 (28th February Two Thousand One) in lieu of 25.01.2003(25th January Two Thousand Three). He submits that when the father of the petitioner came to know about the error in the Marks Statement regarding entry of date of birth then he approached the Principal, D.A.V Public School Anisabad, Patna, who issued certificate with regard to correct date of birth, 25.01.2003 as per record and forwarded the same for rectification on 11.06.2018. He also represented before the principal, D.A.V, Balmi, Phulwarisharif, Patna for requisite correction/rectification in the record regarding date of birth of the petitioner on 11.06.2018. He submits that the D.A.V Public School, Balmi, furnished and issued transfer certificate to the petitioner on 23.07.2018 vide Sl. No. 9274 by indicating the date of first admission in the School, as 13.04.2015 in Class VIII and her date of birth is mentioned as 28.02.2001 without rectifying the same. He submits that the petitioner has legal right in herself and a corresponding duty in the Board to correct the error in her date of birth as recorded and after rectification it would be proper to issue fresh Marks Statement/Certificates as earliest possible.

4. A Counter affidavit has been filed by the Respondent no. 2-4 CBSE (Central Board of Secondary



Education), in which they stated that as per the Examination Bye Laws as amended on 01.02.2018, mentioned that no change in the Date of Birth once recorded in the Board shall be made. However, correction to the correct typographical error and others error to make the certificate consistent with the school records can be made provided that the correction in school records should not have been made after the submission of the application for admission to examination of the board.

5. The Date of Birth has been recorded 28.02.2001 in the certificate of the Board as it states, that has been entered in the list of the candidate submitted by the school, all the details in the certificate are filled up as per the details provided in the list of the candidate submitted by the school.

6. Petitioner took the admission in DAV Public School Balmi, Phulwarisharif, Patna, where petitioner submitted the transfer certificate of earlier school with Date of Birth mentioned 28.02.2001. This has also been filed as Date of Birth at the time of Registration for All Indian Secondary School Examination, 2018. After passing the examination in 2018 the Petitioner has got modified the Date of Birth in the Transfer Certificate of the previous school and on this basis, petitioner seeks change in Date of Birth in the certificate of Central Board



of Secondary Examination which is impermissible.

7. The Counter Affidavit is also filed on behalf of the Respondent Nos. 5 to 6 i.e., DAV Public School, Phulwarisharif and DAV Public School Anisabad, wherein the Ld. Counsel for Respondent Nos. 5 to 6 submits that after verifying the details of the Petitioner from the office of both the schools and found that the admission form filled up by the parents of Petitioner on dated 13.04.2015 for taking the admission of Petitioner in class VIII of DAV Public School Balmi, Phulwarisharif, Patna a mistake was made in the admission form that the Date of Birth was mentioned as 28.02.2001, and on the basis of such admission form the necessary endorsement were made in the school record and registration of the student with Central Board of Secondary Examination was also done accordingly.

8. Thereafter, by the order dated 11.07.2024 this Hon'ble court directed to the learned counsel for the Respondent Nos. 5 and 6 to produce the original Admission register and other related documents when the petitioner was student of DAV Public School Anisabad, Patna.

9. The learned counsel for Respondent Nos. - 5 and 6 brought the said original Admission register along with the other related documents, wherein on the perusal of the said documents



it was found that the date of birth mentioned therein is 25.01.2003.

10. Considering the argument of the parties and perusal of original records, it is clear that in the original admission register when the petitioner took the admission in DAV Public School Anisabad, Patna the date of birth of petitioner was mentioned as 25.01.2003 in the original record. It is also cleared from the date of birth certificate issued by the competent authority that the date of birth of petitioner is 25.01.2003 but later on by mistake of clerk of the concerned school her date of birth was wrongly been recorded as 28.02.2001.

11. The learned counsel for the petitioner relied upon the judgment of the Kerala High Court passed in a WA No. 1948/2008, The Central Board of Secondary v/s Rahul and Ors.

12. Accordingly, this writ petition is allowed and the Central Board of Secondary Education is directed to correct the date of birth of petitioner i.e., 25.01.2003 in place of 28.02.2001 as mentioned in the Mark-sheet cum Certificate of her Class-X within two months from the date of receipt/production of a copy of this order.

13. I feel that in the interest of the poor student, who



is placed in such unfortunate situation as discussed above, the
CBSE should consider the case of the petitioner sympathetically.

14. The order is in personam.

(Anjani Kumar Sharan, J)

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