

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4380 of 2012

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Madan Singh Son Of Sri Ramahar Singh Resident Of Village- Nachap, P.O.-
Nachap, Police Station Manjhi, District - Saran At Chapra

... .. Petitioner/s

Versus

1. The Bihar School Examination Board through its Chairman
2. The Chairman, Bihar School Examination Board, Patna
3. The Secretary, Bihar School Examination Board, Patna
4. The Deputy Secretary, Bihar School Examination Board, Patna
5. The Headmaster, High School , Mubarakpur, Saran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Vipin Kumar Singh, Advocate Mr. Janmijay Giridhar, Advocate
For the Respondent 2 to 4:		Mr. Manish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 25-01-2024

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the Bihar School Examination
Board.

2. The present writ petition has been filed for quashing
the order dated 27.012.2011 passed by the respondent no. 4
wherein the application of the petitioner dated 19.12.2011 for
correction in the date of birth of the petitioner in his
matriculation passing certificate was rejected.

3. Learned counsel for the petitioner submits that the
petitioner has passed matriculation examination in the year 1983



and after the passing of the matriculation examination he has received the matriculation certificate in which his date of birth was mentioned as 10.03.1960. He further submits that in fact, the petitioner was born on 10.03.1966 and due to bonafide mistake his date of birth was entered as 10.03.1960 in his matriculation certificate. He further submits that when he came to know about all this, he has moved before the School Examination Board for correction of his date of birth in the year 2011.

4. Learned counsel appearing on behalf of the Board submits that the petitioner has approached the Board after 28 years and in fact, the petitioner has passed the matriculation examination in the year 1983 and he has approached the Board in the year 2011. He further submits that such documents (forms and data copies) are not preserved for longtime and the aforesaid documents related to petitioner are also no more available in the office of respondent Board. The Tabulator register is preserved in the office of the Board wherein the petitioner's date of birth is entered as 10.03.1960. The Board can correct only printing mistake in its record and that too on the basis of original Admit Card/original Registration slip as well as original Admission register and original T.C. guard. He



further submits that there is a policy decision of the Board dated 27.09.2006 and 18.08.2009. As per the policy decision, the time limit for date of birth correction has been fixed to 10 years. In the present case, it is admitted fact that the petitioner has approached the Board after 28 years and the Board has also decided not to make correction in the date of birth of a person after 10 years of issuing of certificate in question. He further relied upon the judgment of this Hon'ble Court passed in C.W.J.C No. 869 of 2007 by which this Court has dismissed the writ petition. Referring to the order dated 11.12.2008 passed in C.W.J.C No. 869 of 2007 and L.P.A. No. 67 of 2009 which is reproduced herein below :-

“The counter affidavit filed on behalf of the Board contains a clear averment in paragraph-12 that the letter contained in Annexure-1 is not available. Two judgments of Division Bench contained in Annexure-A and A/1 show that in context of students' demand for publication of result made after 13 years or 16 years the writ court refused to interfere in the matter. In this case, petitioner knew his date of birth as mentioned in his certificate issued by the Board in the year 1991 itself. He has filed the present writ petition in the year 2007 after about 16 years. Judicial notice can be taken of the fact that many of the old records in the School Examination Board are not retained after ten years. Such delay if condoned is likely to encourage cases of fraud. A change in the date of birth recorded in matriculation certificate issued by the Board is a serious matter because it involves many consequences and particularly affects the date of retirement etc. Hence, this Court is not persuaded to condone such delay in such matters. The writ petition is dismissed on the preliminary issue itself.”



5. In view of the aforesaid, it is admitted position that the petitioner has approached the Board after 28 years of issuing of the matriculation certificate for correction in the date of birth of the petitioner and as per the policy of the Board the time limit for correction in the date of birth has been fixed to 10 years and apart from the aforesaid, the petitioner has approached this Hon’ble Court after delay of more than 28 years of issuing of the certificate/date of birth.

6. In view of the aforesaid, there is no merit in the writ petition and the same stands dismissed.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

