

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5756 of 2024

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1. Riyarth Rachit represent through his father (Petitioner no.2), Son of Amit Kumar Mishra, Resident of 203, Matrichhaya Collectorate Road, Gagadharganj, P.S. Buxar Town, Bihar, Pin - 802101.
 2. Amit Kumar Mishra, S/o Late Prof. S.K. Mishra Resident of 203, Matrichhaya Collectorate Road, Gagadharganj, P.S. Buxar Town, Bihar, Pin - 802101.

... .. Petitioner/s

Versus

1. The Central Board of Secondary Education through its Chairperson, CBSC Shiksha Kendra- 2, Community Centre, P.S. Preet Vihar, New Delhi- 110092.
2. The Regional Officer, C.B.S.E., Regional Office, Ambika Complex, Behind of State Bank Colony, Near Brahmsthan, Raja Bazar, Bailey Road, P.S. Shastri Nagar, Patna- 800014.
3. The Principal Cambridge Senior Secondary School Kathkauli P.S. Buxar, Industrial Area, Bihar - 802103.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Prabhu Narayan Sharma
For the Respondent 1 & 2:		Mr.Vinay Krishna Tripathy
For the Respondent 3	:	Mr. Girish Chandra
		Mr. Sunil Kumar
		Mr. Gun Sagar Mahto

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-04-2025 1. The petitioners filed the present writ application for setting aside the order dated 05.02.2024 issued by the Under Secretary, C.B.S.E. by which the request of the petitioner no. 1 for correction of his date of birth from 12.01.2008 to 12.12.2008 has been rejected.

2. Mr. Prabhu Narayan Sharma, learned counsel for the petitioners submits that the correct date of birth of the petitioner no. 1 is 12.12.2008 instead of 12.01.2008 as recorded in the



C.B.S.E. 10th examination inasmuch the petitioner no. 1 studied up to class -VIII in Woodstock School, Buxar in which his date of birth was correctly recorded as 12.12.2008. After completion of study up to standard VIII in Woodstock School, Buxar, the petitioner no. 1 took admission in Cambridge Senior Secondary School, Kathkauli, Buxar in class IX in which by inadvertent mistake the date of birth of the petitioner no. 1 has been recorded as 12.01.2008 instead of 12.12.2008. He relied upon the transfer certificate of Woodstock School, Buxar dated 26.03.2021 and submits that in the transfer certificate of Woodstock School which was the basis of admission in Cambridge Senior Secondary School, Kathkauli, Buxar the date of birth of the petitioner no. 1 has been mentioned as 12.12.2008. At the time of admission in Cambridge Senior Secondary School, Kathkauli, Buxar in standard-IX apart from T.C. the school administration also demanded Aadhaar card of the petitioner no. 1 as well as birth certificate issued by the municipal corporation. In the municipal corporation certificate dt. 27.7.2021 as well as Aadhaar card the date of birth of the petitioner no. 1 has been mentioned as 12.12.2008.

3. On the other hand, learned counsel for the C.B.S.E. submits that in the admission form duly submitted and signed by



the petitioner no. 1 and his parents the date of birth of the petitioner no. 1 has clearly been mentioned as 12.01.2008. The admission withdrawal register of Cambridge Senior Secondary School, Kathkauli, Buxar also reflected the date of birth of the petitioner no. 1 as 12.01.2008 and the date of admission having serial no. 3569 as 22.02.2021. The transfer certificate which has been relied upon by the petitioners is dated 26.03.2021 i.e. much after the date of admission of the petitioner no. 1 on 22.02.2021. The municipal corporation certificate was also issued subsequently on 27.07.2021 i.e. much after the date of admission of the petitioner no. 1. The Aadhaar card is not proof of date of birth but it is proof of residence. He further submits that the list of candidates for their appearance in class: 10 examination was sent by the school in question to the C.B.S.E. in which the name and date of birth of the petitioner no. 1 has been recorded. The date of birth of the petitioner no. 1 in the list has been recorded as 12.01.2008.

4. The respondent no. 3 i.e. school in question was directed to produce the original admission register, admission form as well as other documents regarding admission of the petitioner no. 1 which is on record. From perusal of the admission register it appears that serial no. of the petitioner no. 1 in the admission



register is 3569 and date of admission in class IX is 22.02.2021.

The date of birth of the petitioner no. 1 in the register has been mentioned as 12.01.2008. The admission form duly filled and signed by the petitioner no. 1 and counter signed by his parents clearly shows his date of birth as 12.01.2008. The list of candidates for appearance in the 10th examination forwarded by the school to the C.B.S.E. also reflected the date of birth of the petitioner no. 1 as 12.01.2008.

5. Having heard learned counsel for the parties and going through the admission register, the list of candidates sent by the school for 10th examination, the admission form submitted by the petitioner no. 1 at the time of his admission in class –IX in Cambridge Senior Secondary School, Kathkauli, Buxar it appears that the date of birth of the petitioner no. 1 is 12.01.2008. The primary documents produced by the respondent no. 3 / school in question records the date of birth of the petitioner no. 1 as 12.01.2008 whereas the petitioner no. 1 is relying upon secondary documents i.e. transfer certificate of Woodstock School, Buxar and Municipal Certificate issued after the admission of the petitioner no. 1 in class- IX in Cambridge Senior Secondary School, Kathkauli, Buxar which can not be taken into consideration for deciding the date of birth of the



petitioner no. 1 for the reason that all these documents are after the date of admission of petitioner no. 1 in Cambridge School on 22.02.2021. The Aadhaar card is not the proof of date of birth but the same is proof of residence.

6. Considering the aforesaid discussions, I am of the opinion that there is no infirmity in the impugned order passed by the C.B.S.E. Accordingly this writ application having no merit is dismissed.

(Anil Kumar Sinha, J)

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