
(2006) 07 JH CK 0075

In the Jharkhand High Court

Case No : Writ Petition (C) No. 6449 of 2005

Anand Kumar Singh

APPELLANT

Vs

Principal, Central School (kendriya Vidyalaya) and Others

RESPONDENT

Date of Decision : 04-07-2006

Acts Referred:

Citation : AIR 2007 Jhar 16 : (2006) 3 JCR 383

Hon'ble Judges : S.J. Mukhopadhaya, Acting C.J.

Bench : Single Bench

Advocate : J.P. Gupta, Asstt. S.G.I, Rajesh Kr. Mahtha, for the Appellant; N.C. Pasari, for Respondent No. 3, Y.N. Mishra and Ajay Kr. Trivedi C.G., for the Respondent

Final Decision : Allowed

Judgement

S.J. Mukhopadhaya, Acting C.J.

1. The petitioner passed the Secondary School Examination in the year 1993, held by Central Board of Secondary Education (hereinafter referred to as "CBSE"). In the certificate, issued on 21st June, 1993, his date of birth was shown as 15th August, 1976 (Fifteenth August Nineteen Hundred and Seventy Six) and in the mark sheet, issued by CBSE on 5th June, 1993, the same date of birth i.e. 15th August, 1976 was shown. The petitioner pointed out the Vidyalaya authorities that his date of birth, as per School Register and Records, is 15th August, 1978 (Fifteen August Nineteen Hundred and Seventy Eight) but in the certificate and mark sheet, issued by CBSE in the year 1993, it has been wrongly shown as 15th August, 1976. On the prayer of the petitioner, the Central School (Kendriya Vidyalaya), Ramgarh Cantt., Ramgarh, Hazaribagh informed the same to the CBSE authorities. The CBSE authorities having not passed any final order on the request made by the petitioner and the Kendriya Vidyalaya authorities, he has preferred this writ petition for a direction on the respondent-CBSE to correct his date of birth in the Secondary School Examination Certificate, mark sheet and change it to 15th August, 1978. The plea taken by CBSE is that the Principal,

Kendriya Vidyalaya, Ramgarh Cantt. Ramgarh, Hazaribagh while forwarded the list of candidates, mentioned the date of birth of petitioner as 15th August, 1976 and the said list of candidates was signed by the Principal of the Institution and the candidates. The other fact, as pleaded by the petitioner and by the Vidyalaya Authorities, has not been denied.

2. The Kendriya Vidyalaya, Ramgrah Cantt. Ramgarh, Hazaribagh has supported the case of the petitioner. It appears that the matter having come to the notice of the petitioner, on his request, the Principal, Kendriya Vidyalaya, Ramgarh Cantt. Ramgarh, Hazaribagh wrote a letter No. 2068 dated 30th January, 1995 to the Regional Officer, CBSE, Allahabad for correction of date of birth of petitioner-Roll No. 5104780 of All India Secondary School Examination, 1993. The documents, which relate to petitioner, were forwarded to CBSE for correction of date of birth. It was informed that his actual date of birth is 15th August, 1978 as per School record whereas it has been recorded as 15th August, 1976 in the Secondary School Examination Certificate and in his Mark sheet due to oversight. Reminder was also given by Principal, Kendriya Vidyalaya, Ramgarh Cantt. Ramgarh, Hazaribagh by letter No. 2949 dated 29th September, 1995, whereby photo copies of school leaving certificate of previous school, submitted at the time of admission of petitioner in the Kendriya Vidyalaya; application for Admission Form of Class-VIII as available with the Vidyalaya and concerned portion of the page of the admission and withdrawal register of the Vidyalaya were also forwarded.

The CBSE Regional Office, Allahabad by letter No. 336/Correction 1993/ dated 11th February, 1997 asked the Principal, Kendriya Vidyalaya, Ramgarh Cantt. Ramgarh, Hazaribagh to forward attested photo copies of school leaving certificate of the previous school, submitted at the time of admission in the Kendriya Vidyalaya; Admission Form of the Kendriya Vidyalaya; concerned portion of the page of the admission and withdrawal register of the Kendriya Vidyalaya; Admission Form submitted by the petitioner in the Kendriya School and Rs. 25/- per document drawn in favour of Secretary, CBSE, Allahabad. The Principal, Kendriya Vidyalaya, Ramgarh Cantt., Ramgarh, Hazaribagh by his letter No. 394-6 dated 8th/9th April, 1997 forwarded the attested photo copies of document, as were requested by CBSE. In spite of the same, CBSE has not yet passed any order correcting the date of birth of petitioner or refusing to correct the same.

3. Mr. Ajay Kumar Trivedi, senior counsel Central Government produced a letter No. 404 dated 13th March, 2006, issued by Principal, Kendriya Vidyalaya, Ramgarh Cantt. Ramgarh, Hazaribagh, whereby attested photocopies of aforesaid document were produced before the Court. From the Registration Form for admission to Standard VIII, as was submitted by the parent of petitioner on 7th July, 1990, it shows that the date of birth of petitioner is 15th August, 1978. In the application for admission, as was submitted on 25th July, 1990, the petitioner has recorded his date of birth as 15th August, 1978. Along with the

said documents, a school leaving certificate, issued by the Education Department, Government of Bihar vide No. 98451 dated 23rd June, 1990, was also enclosed, wherein the date of birth of petitioner was shown as 15th August, 1978.

4. The respondent-CBSE has not enclosed the copy of the application, as was submitted by petitioner for appearing in the Secondary School Examination, held in the year 1993. There is nothing on the record to suggest that the petitioner has shown any wrong date of birth in the application for appearing in the Secondary School Examination in the year 1993. The plea taken by CBSE is that the Principal of the Institution while forwarded the list of candidates, mentioned the date of birth of the petitioner as 15th August, 1976. Though it is stated that it also bears the signature of candidate apart from the Principal, such submission is not based on record, as the copy of the same has not been forwarded. It is not clear as to how the list forwarded by Principal, Kendriya Vidyalaya, Ramgarh Cantt., Ramgarh, Hazaribagh will contain the signature of candidates. The students are only supposed to fill up the Registration Form and Application for appearing in the Secondary School Examination. The enclosures CA-1 and CA-2, enclosed by CBSE, are computerized documents of CBSE. It neither bear the signature of any Officer of CBSE nor bear the signature of Principal, Kendriya Vidyalaya, Ramgarh Cantt., Ramgarh, Hazaribagh or the petitioner. Therefore, the respondents cannot rely on computer sheet, if typographical error has been committed by one or other authority.

5. Having regard to the facts and circumstances, the original documents, as referred above, show the date of birth of petitioner is 15th August, 1978; there is nothing on the record to suggest that the petitioner has made any mistake or played any fraud. As the mistake appears to have been committed by the Vidyalaya Authorities or CBSE Authorities; the petitioner is agitating the matter since 1994-95 and the Vidyalaya is supporting the case of petitioner, the respondent-CBSE cannot refuse to make necessary correction of mistake, as committed in the Mark Sheet and Secondary School Examination Certificate issued by it. The respondent-CBSE is, accordingly, directed to make necessary correction with regard to date of birth of petitioner, showing the correct date of birth as 15th August, 1978 in his Mark Sheet and Secondary School Examination Certificate, 1993 and, if so required, it may issue a fresh Mark Sheet and Secondary School examination Certificate after canceling the earlier one.

The order of this Court be implemented within two months from the date of receipt/production of a copy of this order.

6. This writ petition is allowed, with the aforesaid observations and directions. However, there shall be no order as to costs.