
(2005) 07 JH CK 0023
In the Jharkhand High Court
Case No : WPC No. 2046 of 2005

Basudev Rabidas

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 21-07-2005

Acts Referred:

Citation : (2005) 4 JCR 248

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : P.C. Sinha and Jitendra Kumar, for the Appellant; I. Sen Choudhary, SC III and J.P. Gupta, for the Respondent

Final Decision : Allowed

Judgement

M.Y. Eqbal, J.—Petitioner's daughter, namely, Kumari Trinetra, was admitted in Class IXth in Jawahar Navoday Vidyalaya, Gandey, Giridih (in short "J.N.V." School) through lateral entrance examination, 2004 conducted by Jawahar Navoday Vidyalaya, Gandey, Giridih. She was allotted Roll No. 004. After she was admitted in Class IXth in the said school it was found that in 2003 petitioner's daughter also appeared in the test for being admitted in Class VIth but she was not selected. In the application form the petitioner had mentioned the date of birth of her daughter as 20.5.1993 whereas in the application form filled up in 2004 for admission in Class IXth her date of birth was mentioned as 20.2.1992. The school, therefore, issued letter dated 8/9.11.2004 asking the petitioner to produce suitable documents in support of date of birth of his daughter. Petitioner's case is that in spite of production of all documents in support of the date of birth of his daughter as 20.2.1992 and also in spite of information given to the school that in the form of 2003, by mistake, the date of birth was mentioned as 20.5.1993, admission of the petitioner's daughter has been cancelled.

2. As noticed above, petitioner's daughter was selected in the test for admission in Class IXth and in the admission form her date of birth was mentioned as

20.2.1992. When the petitioner was noticed, he very fairly stated in his letter that by mistake in the admission form of 2003 the date of birth of his daughter was mentioned as 20.5.1993. Petitioner has annexed some documents as annexures to the writ petition in support of the fact that the date of birth of his daughter is 20.2.1992. Annexure-3 is the birth certificate issued by the Statistical & Evaluation Directorate, Government of Jharkhand wherein the date of birth of the petitioner's daughter has been mentioned as 20.2.1992. Another certificate has been issued by the Headmaster, Middle School, Dhanbad. In the school leaving certificate issued by Smt. Janki Devi Arya Kanya Ucch Vidyalaya, Dhanwar, Giridih the date of birth of the petitioner's daughter has been mentioned as 20.2.1992. Prima facie, therefore, it appears that in the admission form which was submitted in 2003, by mistake, the date of birth of the petitioner's daughter was written as 20.5.1993.

4. Be that as it may, petitioner's daughter was selected in 2004 for admission in Class IXth and she got admitted in the school. In the application form the date of birth has been mentioned as 20.2.1992 which is supported by various certificates issued by the competent authorities referred to hereinabove. In such circumstance, having regard to the career of a girl student the action of the school in question in expelling her from the school is a harsh one and appears to be unjustified. Even if there was some mistake on the part of the petitioner, as studying minor girl should not have been so victimised keeping in view her future career.

5. For the reasons aforesaid, this writ application is allowed. The respondent-school is directed to withdraw/recall its decision and allow the daughter of the petitioner to continue her study in class IXth in the said J.N.V. School.