

(1996) 09 AHC CK 0125
In the Allahabad High Court
Case No : C.M.W.P. No. 5171 of 1996

Inder Pal Singh

APPELLANT

Vs

Board of High School and Intermediate Education and
Another

RESPONDENT

Date of Decision : 11-09-1996

Acts Referred:

Citation : (1996) 3 UPLBEC 1888

Hon'ble Judges : S.R. Singh, J

Bench : Single Bench

Advocate : M.M. Lal Srivastava, for the Appellant;

Final Decision : Allowed

Judgement

S.R. Singh, J.—Heard Sri R. C. Srivastava, learned Senior Counsel appearing for the Petitioner and the standing counsel appearing for the State Authorities. I have also perused the impugned order dated 9.1.96 passed by the Secretary, Board of High School and Intermediate Education, U.P., Allahabad.

2. The Petitioner passed High School Examination in the year 1958 which displays his date of birth as 1.1.1939. It appears that he applied for correction of his date of birth before the District Inspector of Schools on whose direction, the Principal of the College appears to have substituted the figures "1.1.39" by figures "1.1.43" vide order dated 24.5.1995. The Petitioner, it seems, brought it home to the Principal that the power to effect necessary corrections vested with the secretary, Board of High School and Intermediate Education, U.P., Allahabad as a consequence of which the matter was referred to the Secretary. The Secretary by his order dated 9.1.96 rejected the application basically on the ground that correction of date of birth of a Government Servant was impermissible. The view taken by the Secretary, Board of High School and Intermediate Education cannot be countenanced inasmuch as the provisions contained in U.P. Government Servant (Determination of Date of Birth) Rules, 1974 do not inhibit the Secretary from making corrections in the date of birth if

the case falls within the ambit of Regulation 7 of Chapter III of the Regulations. It is not disputed that Regulation 7 of Chapter III empowers the Secretary to correct clerical mistakes in the certificate occurring at the level of the Board or at the level of the concerned Institution. The Secretary, Board of High School and Intermediate Education has failed to advert himself to the question whether the alleged mistake in the date of birth occurred at the level of the Board or the concerned Institution as also the question whether the mistake fell within the gamut of Regulation 7 of Chapter III of the Regulations. In my opinion, the matter craves consideration at the level of Secretary, Board of High School and Intermediate Education in the light of the provisions contained in Regulation 7 of Chapter III of the Regulations. It may be observed as a clarificatory rider that the application shall not be rejected as hampered by limitation but it shall be considered and disposed of on its intrinsic merits. The application shall also not be discountenanced merely on the ground that the Petitioner happens to be an employee on the roll of Delhi Development Authority.

3. In the result, the petition succeeds and is allowed. The impugned order dated 9.1.96 is hereby quashed. The matter is remitted to the Secretary, Board of High School and Intermediate Education with the direction that he shall reexamine the matter and take appropriate decision thereafter in the light of the provisions contained in Regulation 7 of Chapter III of the Regulations within a period of two months from the date of receipt of a certified copy of this order.