

(2010) 09 KL CK 0074

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 25719 of 2010 (L)

Jeevan J. Nath

APPELLANT

Vs

The Central Board of Secondary Education and The Principal

RESPONDENT

Date of Decision : 08-09-2010

Acts Referred:

Citation : (2010) 09 KL CK 0074

Hon'ble Judges : Antony Dominic, J

Bench : Single Bench

Advocate : Sreedevi Kylasanath, for the Appellant; No Appearance, for the Respondent

Judgement

Antony Dominic, J.—Petitioner was a student of the 3rd respondent School. According to the petitioner, in the school records, his date of birth has been entered as 27/05/1989 as against 27/06/1988. Seeking correction of the same, although he made Ext.P8 application to the 2nd respondent, orders were not passed thereon. It was in these circumstances, relying on Exts.P9 series of judgments holding that on receipt of an application, the CBSE is bound to consider the same on merits, this writ petition has been filed.

2. Subsequent to the filing of the writ petition, by Ext.P10 the 2nd respondent rejected the said application indicating that the petitioner should have made the application through the School concerned, and that the application will be considered provided it is received complying with the time limit prescribed in Clause 69 of the Examination Bye-Laws. It is in these circumstances, I.A. No. 12205/2010 for amendment is filed seeking to quash Ext.P10.

3. True, as contended by the learned Counsel for the petitioner, in view of the principles laid down by this Court in Exts.P9 series of judgments, irrespective of the time frame fixed in Clause 69 of the Examination Bye-Laws, an application for correction of date of birth received by the 2nd respondent is liable to be considered on merits, provided the same is otherwise in order. In this case,

although, the application was directly received, the 2nd respondent has not considered the same in accordance with the above. Therefore, the matter needs to be reconsidered. For that purpose I set aside Ext.P10.

4. In view of the above, this writ petition is disposed of with the following directions:

That it will be open to the petitioner to submit a fresh application to the 3rd respondent duly supported by the documents, and on receipt thereof, the 3rd respondent shall within four weeks thereafter, forward the application to the 2nd respondent, with remarks, if any, that are required. The 2nd respondent, on receipt of the application as above, shall consider the same duly advertent to the principles laid down by this Court in Exts.P9 series of judgments and orders thereon shall be passed, as above, within four weeks of its receipt.

The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the 3rd respondent for compliance.

This writ petition is disposed of as above.