

(2021) 06 KL CK 0015
In the High Court Of Kerala
Case No : Writ Petition No. 8763 Of 2021

Muhammed Sufaid K

APPELLANT

Vs

Central Board Of Secondary Education, Represented By Its
Director,

RESPONDENT

Date of Decision : 01-06-2021

Acts Referred:

Citation : (2021) 06 KL CK 0015

Hon'ble Judges : N. Nagaresh, J

Bench : Single Bench

Advocate : J. Thomas, Joemon Antony, Nirmal S

Final Decision : Disposed Of

Judgement

N. Nagaresh, J

1. The petitioner passed out from the 4th respondent-School affiliated to the 1st respondent-CBSE, in the year 2008. The date of birth and name of the

father of the petitioner was erroneously noted in the CBSE certificate and mark list. The petitioner would state that his actual date of birth is

09.06.1991, whereas it is wrongly noted as 11.06.1991 in the CBSE certificate and mark list. Similarly, the name of the father of the petitioner is

wrongly entered as Moidhu CPK instead of C.P.K. Moidhu.

2. The petitioner approached the 4th respondent-School authorities to correct the wrong entries in the certificate/mark list. The petitioner earlier filed

W.P.(C) No.4926/2021 challenging the non-consideration of the application for correction of date of birth and name of the father. Pending the said

writ petition, the 2nd respondent-Regional Officer of CBSE rejected the petitioner's application. The said rejection is under challenge in this writ

petition.

3. The learned counsel for the petitioner would urge that if the original entry does not tally with the records submitted by the applicant, then the

correction need to be effected and it has been so held by this Court in *Chandrika v. State of Kerala* [2010 (1) KHC 132]. This Court also held that the

question of correction of date of birth in the school records need to be considered sympathetically. The petitioner therefore seeks to set aside Ext.P7

rejection order passed by the 2nd respondent and to direct the 2nd respondent to effect the correction of date of birth and the name of the father of

the petitioner.

4. Respondents 1 to 3 filed a counter statement. In the counter statement, respondents 1 to 3 stated that the correction in the date of birth and of the

name of the parents of candidates are governed by Bye-law 69.1(ii). As per the Bye-law as it stands now, corrections that could be carried out are

only typographical and other errors, to make the certificates consistent with the school records. The application of the petitioner suffers from a delay

of 13 years and the delay is not explained. A Division Bench of this Court has held in *Subin Mohammed S. v. Union of India and others* [2016 (1)

KLT 340] that the CBSE is not obliged to correct the name of a candidate or parents merely for the reason that a different name is shown in the

extract of birth certificate. The writ petition is therefore without merit and is liable to be dismissed, contended the Standing Counsel for respondents 1

to 3.

5. I have heard the learned counsel for the petitioner and the learned Standing Counsel for respondents 1 to 3.

6. The application of the petitioner is to correct the date of birth entered in the CBSE certificate and mark list, as also the name of the father of the

petitioner. The difference in the date of birth as it exists in the CBSE certificate and sought to be corrected by the petitioner, is only of two days.

Similarly, the petitioner only seeks to correct the name of his father as C.P.K. Moidhu, instead of Moidhu CPK. These are only inadvertent

typographical errors. Retaining such wrong entries in the certificates/mark list is likely to affect the career of the petitioner. In the circumstances, this

Court is of the considered view that the certificates issued to the petitioner and the mark list, should be corrected in the interest of justice.

In the circumstances, the writ petition is disposed of directing the respondents to correct Ext.P1 mark list and Ext.P2 certificate, by reconsidering

Ext.P5 application of the petitioner. To enable the respondents to make such corrections, Ext.P7 rejection order of the Regional Officer, is set aside.

The petitioner is directed to pay ₹ 5,000/- to the 1st respondent towards administrative expenses which may be incurred in carrying out such

corrections. Respondents 1 to 3 shall effect such corrections within a period of one month from the date of payment of ₹ 5,000/- by the petitioner. The

petitioner should be issued with corrected copies of mark list and certificate.