
(2010) 10 UK CK 0103
In the Uttarakhand High Court
Case No : Writ Petition (M/S) 1629 of 2010

Pooja Mehra

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 07-10-2010

Acts Referred:

Citation : (2010) 10 UK CK 0103

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

B.S. Verma, J.—By means of this petition the Petitioner has sought a writ, order or direction in the nature of mandamus directing the Respondent No. 6 institution to issue transfer certificate, showing correct date of birth of the Petitioner i.e. 30-8-1991, forthwith.

2. Briefly stated the facts giving rise to this petition are that in the year 2006 Petitioner passed her 10th examination and thereafter in the year 2009 she passed her 12th examination, from Kendriya Vidyalaya Ranikhet, District Almora, Uttarakhand.

3. Earlier to admission in Kendriya Vidyalaya Ranikhet, Petitioner was studying in class 9th in Kendriya Vidyalaya R.K. Puram, Sector-8, Delhi and when she was transferred from Kendriya Vidyalaya Delhi to Kendriya Vidyalaya Ranikhet, she was issued transfer certified in which her date of birth was shown as 30th August 1990.

4. It is further stated that when the Petitioner filed her form of class 10th examination she wrote her date of birth as 30th August 1991. The certificate of class-10th was issued by the Central Board of Secondary Education, wherein the date of birth has been recorded on the basis of the date filled in by her in the form while appearing in class 10th examination and the same date of birth has been recorded in the class 12th certificate.

5. According to the Petitioner her correct date of birth is 30-08-1991, which is recorded in the certificates of class 10th and class 12th. It is further assertion of the Petitioner that prior to 10th Board Examination, she did not appear in any Board examination.

6. Counter affidavit has been filed in reply to the averments made in the petition. In para-7 of the counter affidavit it is stated - "that on the basis of transfer certificate No. 80982/155/ dated 24-05-2004, issued from Kendriya Vidyalaya, R.K. Puram, Sector VII, New Delhi the Petitioner was admitted in Kendriya Vidyalaya, Raniket in class IX-C on 02-06-2004 and in the transfer certificate the date of birth of the Petitioner was recorded 30th August 1990. At the time of admission of the Petitioner on 02-06-2004, the Petitioner's father himself has also recorded her date of birth in admission form as 30-08-1990. As per Kendriya Vidyalaya Sangathan admission guidelines the admission of children of defence employees are granted on production of Part II order for considering date of birth in class I and for other classes on the basis of date of birth recorded in the transfer certificate of the school where child was studying." The true copy of the admission form has also been filed along with counter affidavit as annexure-CA-2.

7. Heard Sri Siddhartha Bisht, Advocate for the Petitioner and Mr. Vikas Pandey, learned Counsel for the Respondents.

8. Learned Counsel appearing on behalf of the Respondent/institution has submitted that no rules have been framed by the institution for correction of date of birth of the students.

9. Learned Counsel for the Petitioner has submitted that the Petitioner has made representation before the Institution Respondent No. 6, for correction of her date of birth on the basis of High School and Intermediate Board Certificates.

10. Next contention of learned Counsel for the Petitioner is that the best proof for considering the correct date of birth at the time of admission of a student in class-I, is Army Part-II Order and in the instant case same date of birth has been recorded in the High School and Intermediate Certificates. It is further alleged that the High School Examination Form was also filled in on the basis of Army Part-II Order. He also contended that the Respondent No. 6 ought to have raised objection at the time of filling up of the High School Examination form and checked by the institution authority.

11. I have considered the submissions of learned Counsel for parties and find that the date of birth which has been filled up in the High School and Intermediate Certificates is not in conformity with the date of birth mentioned in the transfer certificate issued by the Respondent No. 5/Principal of Kendriya Vidyalaya Ranikhet. Therefore, in the interest of justice, it would be appropriate to direct the Respondent institution, to decide the representation of the Petitioner keeping in view this aspect that the Army Part-II Order is a valid document for the purposes of verifying the date of birth of a student at the time of initial admission in the school. Further the Petitioner herself filled up the form of High

School and Intermediate Examinations and mentioned the date of birth therein on the basis of the date of birth mentioned in Army Part-II Order and the same date of birth has been mentioned in the High School and Intermediate Board Certificates. But inadvertently wrong date of birth has been mentioned in the application form for taking admission in the institution on the basis of earlier Transfer Certificate. Therefore, there are anomalies in both the dates and correct date of birth is to be recorded and that can be done only with the help of Army Part-II order as well as the High School Board Certificate, which have greater value in comparison of Transfer Certificate.

12. Therefore, the appropriate authority/Respondent No. 6 institution is directed to reconsider the case of the Petitioner and pass appropriate order on the application of the Petitioner for correction of date of birth, on the basis of High School Board Certificate and the Army Part-II Order, preferably within a period of four weeks from the date of production of copy of this order.

13. With the aforesaid direction the writ petition is disposed of finally.