

(2011) 02 KL CK 0058

In the High Court Of Kerala

Case No : Writ Petition (C) No. 4180 of 2011 (V)

Sudheesh S

APPELLANT

Vs

The Central Board of Secondary Education, The Principal,
Tahsildar and Registrar of Births and Deaths

RESPONDENT

Date of Decision : 09-02-2011

Acts Referred:

Citation : (2011) 02 KL CK 0058

Hon'ble Judges : Antony Dominic, J

Bench : Single Bench

Advocate : C.V. Manuvilsan, for the Appellant; No Appearance, for the Respondent

Judgement

Antony Dominic, J.—Petitioner was a student of the school of which second Respondent is the Principal. The school is affiliated to the first Respondent. According to the Petitioner, in the school records and the certificates issued by the CBSE, his date of birth has been recorded as 06-04-1991 instead of 06-01-1991 and the name of his parents have been wrongly entered. Petitioner says that in order to get the aforesaid mistakes corrected, he attempted to submit an application to the second Respondent and that on refusal to accept the same, he submitted Ext.P12 to the first Respondent. Complaining that the first Respondent is not taking any action on Ext.P12, this writ petition is filed.

2. Standing Counsel appearing for the first Respondent points out that under the Rules of the first Respondent, the application in the nature of Ext.P12 should be made to the Principal of the school concerned and that it is for the Principal to make enquiries and make correction in the school records and thereafter, forward the application with his recommendation to the first Respondent for appropriate action. It is stated that therefore Ext.P12 submitted directly to the first Respondent could not be entertained.

3. Going by the pleadings, it appears that it was because of the delay in making the application that the second Respondent has declined to entertain the

application. In so far as this issue of delay is concerned, in several cases, this Court has held that irrespective of the delay in submitting the application, the authorities are bound to consider the application made for correction. Therefore, even if there is delay, the application cannot be refused to be entertained.

4. Having regard to the submission made by the Standing Counsel for the first Respondent, the remedy available to the Petitioner is to submit his application to the second Respondent and if such an application is submitted by the Petitioner, the second Respondent is bound to accept the same and entertain the same.

5. Therefore, I dispose of this writ petition with the direction that it will be open to the Petitioner to submit his application for correction of his date of birth and the name of his parents. If such an application is made, the second Respondent will consider the same and if he finds the application to be genuine, after making appropriate correction in the school records, the second Respondent will forward the Petitioner's application to the first Respondent, who on receipt thereof, shall pass orders thereon, after making appropriate enquiries as they deem fit. This shall be done as expeditiously as possible.