

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 26TH DAY OF SEPTEMBER 2012/4TH ASWINA 1934

WP(C).No. 20581 of 2012 (W)

PETITIONER:

ANUSREE.K. (MINOR) , D/O.SANTHOSH.K.
KAKKANATT HOUSE, PULICKAL PO, MALAPPURAM DIST,
REPRESENTED BY HER FATHER AND GUARDIAN SANTHOSH K.

BY ADVS.SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
SRI.T.R.SADEESAN
SMT.DHANYA CHANDRAN

RESPONDENTS:

1. CENTRAL BOARD OF SECONDARY EDUCATION
REPRESENTED BY THE DEPUTY SECRETARY, J BLOCK
16TH MAIN ROAD, ANNA NAGAR WEST, CHENNAI-600 040.
2. THE PRINICIPAL, JAWAHAR NAVODAYA VIDYALAYA,
OORAKAM, KEEZHMURI P.O., MALAPPURAM, PIN-676 515.

BY ADV. SRI.DEVAN RAMACHANDRAN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26-09-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VK

WP(C).No. 20581 of 2012 (W)

APPENDIX

PETITIONER(S) EXHIBITS

EXHIBIT P1. COPY OF CERTIFICATE OF CONTINUOUS AND COMPREHENSIVE
EVALUATION S. NO.SSE/2011/1152734 DATED 31/5/2011 ISSUED TO THE
PETITIONER BY THE 1ST RESPONDENT.

EXHIBIT P2. COPY OF THE ORIGINAL BIRTH CERTIFICATE DATED 24/10/98
ISSUED TO THE PETITIONER BY THE DEPARTMENT OF MUNICIPAL ADMINISTRATION,
CORPORATION OF CALAICUT.

EXHIBIT P3. COPY OF THE CORRECTED BIRTH CERTIFICATE ISSUED TO THE
PETITIONER BY THE DEPARTMENT OF URBAN AFFAIRS, CORPORATION OF CALICUT.

EXHIBIT P4. COPY OF THE ORDER DATED 22/11/2010 ISSUED BY THE
COMMISSIONER FOR GOVERNMENT EXAMINATIONS.

EXHIBIT P5. COPY OF THE EXTRACT OF ADMISSION REGISTER WITH CORRECTED
ENTRY OF THE NAME OF THE PETITIONER.

EXHIBIT P6. COPY OF THE COVERING LETTER NO.JNVM/2010-11/DATED 11/8/2012
OF THE 2ND RESPONDENT ALONG WITH THE ORDER NO.RO(M)
CORPN/REJECTION/DOB/2012/1651 DATED 18/7/2012 ISSUED BY THE CBSE
REGIONAL OFFICE, CHENNAI.

RESPONDENTS' EXHIBITS : NIL

/ TRUE COPY /

P.A. TO JUDGE

VK

T.R.RAMACHANDRAN NAIR, J.

W.P.(C).No. 20581 of 2012

DATED THIS THE 26TH DAY OF SEPTEMBER, 2012

JUDGMENT

The prayer in this writ petition is for a direction to the respondents to consider the application to correct the date of birth in Ext.P1 as 14.12.1994. The petitioner passed the Secondary School Examination 2009-2011 from Jawahar Navodaya Vidyalaya, Oorakam, Malappuram District, which is affiliated to the Central Board of Secondary Education (CBSE for short). The correct date of birth of the petitioner is 14.12.1994. In the certificate issued by the CBSE, the date of birth is noted as 30.4.1996. Ext.P2 is the copy of the original certificate of birth and Ext.P3 is the copy of the corrected one.

2. The petitioner joined Standard I in Thiruthy Aided Upper Primary School on 23.5.2001. In the admission register therein, the date of birth was wrongly entered as 30.4.1996. The petitioner joined the Jawahar Navodaya Vidyalaya on 19.6.2006. It is pointed out that the erroneous entries in the school records were carried forward to Ext.P1 certificate issued by the CBSE also. Thereafter, an application for correction of date of birth in the school records was submitted which was allowed by the Joint

Commissioner for Government Examinations as per Ext.P4 order and the entry in the admission register was also corrected which is evidenced by Ext.P5. Thus, the petitioner's contention is that the entry as regards the date of birth in Ext.P1 has crept in, due to the wrong entry in the admission register and as the entry in the admission register has been corrected, consequently the entry in Ext.P1 also has to be corrected. As per Ext.P6 communication, the petitioner's application stands rejected by the CBSE. In the said communication, the reason stated is that as per Rule 69.2(i) of the Examination Bye-laws of the CBSE, the correction of date of birth shall be considered only in accordance with the school records. On verification of the school records it is found that the date of birth has been printed in the Board Certificates as per the school records only.

3. Learned counsel for the petitioner points out that as the school records have been corrected, and the correct entry is available in the birth certificate also, the entry in Ext.P1 will have to be corrected.

4. Heard learned Standing Counsel for the CBSE also.

5. The reason stated in Ext.P6 cannot now be sustained in the light of the corrected entries in the admission register. The petitioner will therefore resubmit the application through the Principal who will have to

enter the correction in the school records and forward a report to the first respondent with all the details of the correction and the accompanying documents. The same will be done within a period of one month from the date of receipt of a certified copy of this judgment. Thereafter, the first respondent will consider the matter and take the decision with regard to the correction of entries as per the records of the second respondent, within a period of eight weeks. It is open to the first respondent to confirm the genuineness of the birth certificate from the local authority.

The writ petition is disposed of as above. The petitioner will produce a certified copy of this judgment along with a copy of the writ petition for compliance. No costs.

(T.R.RAMACHANDRAN NAIR, JUDGE)

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