

Smt. Kusum Devi Vs. State of Bihar and ors.

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Court : Patna

Decided On : Jul-14-2004

Judge : Narayan Roy, J.

Appeal No. : CWJC No. 2351 of 2001

Appellant : Smt. Kusum Devi

Respondent : State of Bihar and ors.

Advocate for Def. : S.B.N. Singh, Adv.

Advocate for Pet/Ap. : Akhileshwar Pd. Singh, Adv.

Disposition : Application allowed

Judgement :

Narayan Roy J.

1. Heard counsel for the parties.

2. This writ application is directed against the order, issued vide memo No. 2272 dated 9th December, 2000, as contained in annexure 8, whereby and whereunder the prayer of the petitioner to correct her date of birth in the matriculation certificate from 7th April, 1974 to 7th April, 1971 has been rejected.

3. It is submitted by learned counsel for the petitioner that in all the records, the date of birth of the petitioner has been mentioned as 7th April, 1971 including that of the School Register and admit card, but somehow or the other, her date of birth has wrongly been mentioned in matriculation certificate as '7th April, 1974.' It is further submitted that no sooner the petitioner received the matriculation certificate in the year 1995, when she passed her matriculation examination in the year 1990, she immediately applied to the respondent Board to correct her date of birth as in the college record her date of birth was recorded as 7th April, 1971. It is also submitted that when the matter was not considered by the respondent Board, the petitioner came to this Court in CWJC No. 6876 of 2000 and this Court vide order, as contained in annexure 1 dated 2.8.2000, after hearing the parties, disposed of the same and directed the respondent authorities to take an appropriate decision in the matter pertaining to correction of date of birth of the petitioner in the matriculation certificate and pursuant to the order, passed by this Court, as referred to above, the respondent authorities rejected the prayer of the petitioner vide communication, as contained in annexure 8 dated 9th December, 2000.

4. A counter affidavit has been filed on behalf of the respondent Board stating therein that on the basis of the records available in the office, the date of birth of the petitioner was mentioned in the matriculation certificate as 7th April, 1974 and on that ground her prayer for necessary correction was rejected.

5. From annexure 2 to the writ application, the admission register, it appears that the date of birth of the petitioner has been mentioned as 7th April, 1971 and there is no interpolation or cutting in the date of birth of the petitioner.

6. From plain reading of annexure 2, it appears that the date of birth of the petitioner is clearly written as '7th April, 1971' and not as '7th April, 1974.'

7. From the materials on record, I am satisfied that there is no interpolation in the date of birth of the petitioner and it clearly appears to be 7.4.1971.

8. It is a case, where the petitioner has not come to enhance her date of birth, rather she prays to reduce the same from 7.4.1974 to 7.4.1971 and thus the claim of the petitioner appears to be genuine and bona fide.

9. Considering the facts and circumstances of the case, this application is allowed, order impugned, as contained in annexure 8, is set aside and the respondent authorities are directed to issue corrected matriculation certificate to the petitioner, after correcting her date of birth from 7.4.1974 to 7.4.1971. This exercise, however, must be completed within a period of four weeks from the date of receipt/production of a copy of this order.

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