

Prabhakar Singh Vs. Bihar School Examination Board and ors.

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Court : Patna

Decided On : Apr-12-2002

Judge : R.N. Prasad, J.

Appeal No. : C.W.J.C. No. 4696 of 2002

Appellant : Prabhakar Singh

Respondent : Bihar School Examination Board and ors.

Disposition : Petition Allowed

Judgement :

R.N. Prasad, J.

1. The petitioner appeared in the Bihar Secondary, School examination in the year 1975. His result was published. According to the petitioner, he filed petition before the Board for correction of date of birth in the matriculation certificate. The date of birth was 1.1.1961 instead of 1.1.1951. His elder brother's date of birth is 1.1.1955. In the documents of the school, his date of birth was correctly mentioned as 1.1.1961. News was published in the newspaper, namely, the 'Arya Varta' on 12.1.1999 issued under the Signature of the Secretary of the Board that the persons who have passed in the year 1997 or before and if there is mistake in the date of birth, such persons may file application for rectification. The petitioner thus filed petition before the Board for rectification of his date of birth. He annexed

relevant documents for correction with the petition. However, the Board rejected his prayer for modification in the date of birth in matriculation certificate vide order dated 26.7.2000, Annexure-4. The petitioner has challenged the order, Annexure-4, and also made prayer for issue of direction for correction of his date of birth.

2. It appears from the order, Annexure-4, that claim of the petitioner was rejected on the ground that some papers were not filed and in some papers, there was some over-writing. However, those papers were typed copy. For instance, in the photo copy of the school admission register there is no cutting/over-writing. However, in the typed copy there is over-writing and as such the authority should have called for original documents and then order should have been passed.

3. In such a situation, the writ petition is allowed. The order, Annexure-4, is hereby quashed. The matter is remitted to the authority concerned who will call for the original document from the school and after verification from the register shall pass necessary order in accordance with law with respect to claim of the petitioner for modification in the date of birth. However, the entire exercise must be completed within six months.

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