

(2004) 02 PAT CK 0081

Patna High Court

Case No: C.W.J.C. No. 9670 of 2003

Bijay Kumar Singh

APPELLANT

Vs

Bihar School Examination Board
and Others

RESPONDENT

Date of Decision: Feb. 4, 2004

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2004) 1 PLJR 714

Hon'ble Judges: Narayan Roy, J

Bench: Single Bench

Advocate: Sunil Kumar Thakur, for the Appellant; J.P. Shukla and Gyanendra Kumar Shukla, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Narayan Roy, J.

Heard counsel for the parties.

2. The Petitioner has prayed for issuance of direction upon the Respondent Board to correct his date of birth in the matriculation certificate.

3. According to the case of the Petitioner, his date of birth is 10.8.1978, whereas in the matriculation certificate the same has been mentioned as 10.5.1978.

4. It is submitted on behalf of the Petitioner that the Petitioner after obtaining the matriculation certificate requested the Respondent Board to correct his date of birth, but the same has not yet been done.

5. A counter affidavit has been filed to on behalf of Respondent Nos. 1 to 3, wherein it is stated that the Petitioner failed to furnish the details about his date of birth nor

he produced the registration certificate in token of his date of birth and since the records of the Respondent Board pertaining to the Petitioner are not available, it is not possible for the Board to take a decision so far the date of birth of the Petitioner is concerned.

6. It appears that the Petitioner passed the matriculation examination in the year, 1991 and thereafter he approached the Respondent Board in 2001 for correction of his date of birth in the matriculation certificate. It also appears that in absence of certain documents, which were required to be furnished by the Petitioner, no decision could be taken by the Respondent Board.

7. Learned Counsel for the Respondent Board now submitted that the prayer of the Petitioner may not be entertained by his Court in exercise of its power under Article 226 of the Constitution.

8. To correct the date of birth, it would require some evidence and this exercise, therefore, should not be done by this Court under Article 226 of the Constitution to grant equitable relief to the Petitioner.

9. In that view of the matter, in my opinion, no relief can be granted to the Petitioner in this writ application.

10. This application is, accordingly, dismissed.

11. However, if so advised, the Petitioner may approach the competent civil Court for redressal of his grievances.