

WP(C) 4935/2014

BEFORE

HON'BLE MR. JUSTICE M.R. PATHAK

Heard Mr. B. Islam, learned counsel for the petitioner. Also heard Ms. A. Bora, learned standing counsel, Secondary Education for the respondent No.1 and Mr. T. C. Chutia, learned standing counsel, Board of Secondary Education, Assam for the respondent Nos. 2 and 3.

The petitioner passed his Assam High Madrassa (new course examination) in the year 1977 and on 31.05.2014 only he submitted an application before the respondent, SEBA for correction of his date of birth in the Assam High Madrassa Examination Passed Certificate, 1977 issued to him by SEBA.

The said prayer of the petitioner was rejected by the respondent, SEBA on 24.06.2014 stating that correction of date of birth of any candidate of High School Leaving Certificate and Assam High Madrassa Examination is admissible within 3 (three) years from issuance of certificate of that particular examination.

The petitioner further contended that the date of birth as reflected in his admit card issued by the SEBA for the said Assam High Madrassa Examination (new course) 1977 reflects that he was 19 years 9 months and 20 days as on 01.03.1977 as per his admission registration but it was wrongly incorporated in the certificate of his Assam High Madrassa Examination, 1977 issued by SEBA.

The petitioner also contended that initially on 14.11.1983 he filed an application for correction of his date of birth as reflected in his AHM certificate, thereafter, he filed another application on 05.05.2013 and, later on 15.03.2014 an application under RTI was filed regarding his correction of age/date of birth that were pending before the SEBA since 14.11.1983. The petitioner stated that the cause for delay in filing his application before the authorities of SEBA for correction of his date of birth in his AHM Examination passed Certificate is due to 'Assam Andolon' (Assam Agitation) for which he could not approach SEBA till 14.11.1983. But Mr. Chutia, learned standing counsel, SEBA submitted that the said Assam Agitation in fact started in the year 1979 only and it cannot be considered as a valid ground.

The petitioner after 14.11.1983 approached the SEBA almost after 10 years on 05.05.2013. Moreover he did not explain any reason for not filing such application from the year 1977 to 1979.

The Hon'ble Apex Court in the case of Board of Secondary Education, Assam -Vs- Md. Sarifuz Zaman and Ors, reported in (2003) 12 SCC 408 has upheld that three years period provided by the regulation of Board of Secondary Education, Assam is a very reasonable period for correction of the certificate issued by SEBA.

As in the present case, the petitioner's application dated 14.11.1983 and 05.05.2013 submitted before the SEBA for correction of his date of birth in his AHM Certificate 1977 issued by SEBA is beyond the period of 3 years, no illegality or infirmity is found with regard to the decision dated 24.06.2014 of SEBA, respondent No.2 rejecting the case of the petitioner regarding correction of date of birth in his said AHM Certificate 1977.

This petition being devoid of any merit is accordingly dismissed.