

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 28TH DAY OF FEBRUARY 2018 / 9TH PHALGUNA, 1939

WP(C).No. 6647 of 2018

PETITIONER(S)

RUBEL VARGHESE ABRAHAM,
S/O.RAJI VARGHESE, AGED 20 YEARS,
KALLUMANNIL HOUSE, MALLAPALLY WEST,
PATHANAMTHITTA DISTRICT.

BY ADV.SRI.J.ABHILASH.

RESPONDENT(S) :

1. REGIONAL OFFICER,
CENTRAL BOARD OF SECONDARY EDUCATION,
(REGIONAL OFFICE), NEW NO.3,
(OLD NO.1630-A) J BLOCK,
16TH MAIN ROAD, ANNA NAGAR (WEST),
CHENNAI - 600 140.
2. THE PRINCIPAL
BELIEVERS' CHURCH RESIDENTIAL SCHOOL,
KUTTAPUZHA P.O., THIRUVALLA - 689 103.

R1 BY SRI.NIRMAL S., SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-02-2018, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rs.
06/03/2018.

APPENDIX

PETITIONER'S EXHIBITS:

- EXHIBIT P1. TRUE COPY THE MARK SHEET DATED 26.05.2013.
- EXHIBIT P2. TRUE COPY OF THE BIRTH CERTIFICATE DATED
13.12.2017.
- EXHIBIT P3. A TRUE COPY OF THE BIRTH CERTIFICATE DATED
31.03.2001.
- EXHIBIT P4. TRUE COPY OF THE CERTIFICATE ISSUED BY
MALLAPALLY VILLAGE OFFICE DATED 28.11.2017.
- EXHIBIT P5. TRUE COPY OF THE LETTER ISSUED BY THE FIRST
RESPONDENT DATED 30.01.2018.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.
06/03/2018.

SHAJI P. CHALY, J.

W.P.(C). No. 6647 OF 2018

Dated this the 28th day of February, 2018

JUDGMENT

The grievance highlighted by the petitioner is that as per Ext.P1 mark sheet, name of the petitioner's mother is shown as Manju Raji. However, as per Ext.P2 birth certificate name of the petitioner's mother is shown as Manju Achamma George. Seeking to carry out correction, an application was filed through the school which was declined as per Ext.P5 stating that the application is a belated one, as per the provisions of Clause 69.1(ii) of Examination Bye-Laws of the Central Board of Secondary Education. It is thus seeking to quash Ext. P5 and for other related reliefs, this writ petition is filed.

2. Heard learned counsel for the petitioner and learned Standing Counsel appearing for the first respondent and perused the pleadings and the documents on record.

3. The sole question to be decided is whether any

interference is required in Ext.P5 order passed by the first respondent. With respect to the correction of date of birth, a Division Bench of this court had occasion to consider the issue vis-a-vis the provisions of Examination bye-laws of the 1st respondent Board, in **Subin Mohammed v. Union of India** [2016(1) KLT 340] and held that, once an entry is made in the register maintained by the competent authority in accordance with the Registration of Births and Deaths Rules 1999 (Kerala), it raises a presumption of correctness to the date of birth entry. Taking into account the fact situations and the circumstances thereunder, the Division Bench of this Court directed the competent authority to correct the date of birth by imposing a fine of Rs.5,000/-. I think the same principle can be adopted to the facts and circumstances of this case also.

4. In that view of the matter, there will be a direction to the second respondent to carry out necessary corrections in the records, with respect to the name of

the petitioner's mother, taking into account Ext. P2 birth certificate and forward the corrected copy of the school register duly certified to the first respondent, within three weeks from the date of receipt of a copy of this judgment. On receipt of the same, the first respondent shall carry out necessary corrections, as specified above, with respect to the name of the petitioner's mother, and issue necessary orders accordingly, within one month thereafter, and on production of receipt of the payment of fine of Rs.5,000/- (Rupees Five thousand only).

Writ petition is disposed of accordingly.

sd/-
SHAJI P. CHALY
JUDGE

/true copy/

P.A. To Judge

DCS