

GAHC010101212023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2592/2023

ALTAB HUSSAIN SHEIKH
S/O LT. DARBESH ALI SHEIKH HEADMASTER GURGURIPARA ISLAMIA
M.E. MADRASSA VIL. GURGUIRPARA MAJOR ALGA SALMARA PART IV
P.O. BONDIHANA P..S FAKIRGANJ DIST. DHUBRI ASSAM PIN 783349

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
DEPTT. OF EDUCATION ASSAM DISPUR GUWAHATI 781006

2:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA GUWAHATI 19

3:THE INSPECTOR OF SCHOOLS
GOALPARA
P.O. AND DIST. GOALPARA ASSAM PIN 783101

4:THE SECRETARY
BOARD OF SECONDARY EDUATION ASSAM P.O. BAMUNIMAIDAN DIST.
KAMRUP (M) GUWAHATI 21

5:THE PRINCIPAL JALESWAR H S SCHOOL
VILL AND P.O. JALESWAR P.S. JALESWAR DIST. GOALPARA ASSAM PIN
783132

6:THE HEADMASTER
JORUARCHAR M E MADRASSA VIL. JARNAR CHAR P.O. JORUAR CHAR
ALMGANJ P.S. FAKIRGANJ DIST. DHURBI ASSAM PIN 7833

Advocate for the Petitioner : MR. A K TALUKDAR

Advocate for the Respondent : SC, HIGHER EDU

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 19.05.2023

Heard Mr. A.K. Talukdar, learned counsel for the petitioner.

2. Mr. S. Bhuyan, learned standing counsel for the Higher Education Department submits that the Director of Higher Education (respondent no.2) has no role to play in the issue relating to correction of date of birth in the certificate issued by the SEBA.

3. Similarly, Mr. S.M.T. Chistie, learned standing counsel for the School Education Department also submits that the Inspector of Schools, Goalpara (respondent no.3) is also not the concerned authority with the prayer made in this writ petition.

4. Accordingly, without disturbing the status quo of the parties, the name of respondent nos.2 and 3 are struck off.

5. The petitioner claims that although correct declaration was given for his date of birth, but in the Admit Card issued by the SEBA, incorrect date of birth was recorded showing the petitioner as 16 years 6 months 1 day. As per the Admission Registrar in Class-VIII, the age of the petitioner as on 29.04.1977 was recorded as 12 years 7 months 29 days.

6. Mr. D.K. Roy, learned standing counsel for the SEBA has submitted that on the basis of information provided by the concerned school, entries of

date of birth has been made by the SEBA and that the said authority is not responsible if incorrect information is provided by the school concerned.

7. Be that as it may, issue notice returnable on 09.06.2023.

8. Requisite extra copies of the writ petition be furnished to the departmental counsel in course of the day.

9. The petitioner shall take steps within 2 (two) days for service of notice on the respondent nos.5 and 6 by registered post with A/D. In addition, the petitioner is permitted to serve notice through dasti by routing the process through the Registry of the Court and upon service, an affidavit of service shall be filed prior to the next date of listing.

10. On the next date of listing, the learned standing counsel for the SEBA shall produce true copy of the Manuscript Registrar Sheet ("MRS" for short).

11. List on 09.06.2023.

JUDGE

Comparing Assistant