

GAHC010220022024



2026:GAU-AS:2961

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

Case No. : WP(C)/5368/2024

DWIJEN BARMAN
S/O- LATE CHANDRA KANTA BARMAN,
R/O- VILLAGE NORTH BALI,
P.S- TIHU,
DIST-NALBARI, PIN-781335, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, HIGHER
EDUCATION DEPARTMENT, DISPUR, GUWAHATI-06, KAMRUP (M), ASSAM

2:ASSAM STATE SCHOOL EDUCATION BOARD
REP. BY THE SECRETARY
SEBA COMPLEX
RAILWAY COLONY ROAD
BAMUNIMAIDAN
GUWAHATI-21
ASSAM

3:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GHY-19
DIST- KAMRUP (M)
ASSAM

4:THE PRINCIPAL ACCOUNTANT GENERAL
(A AND E)
ASSAM

MAIDAMGAON

BELTOLA
GUWAHATI-28

5:PANDU COLLEGE
REPRESENTED BY THE SECRETARY OF THE GOVERNING BODY

PANDU
MALIGAON
GHY-12
DIST- KAMRUP (M)
ASSA

Advocate for the Petitioner : MR S KHOUND, MS. N BORAH,MR. J PAULO

Advocate for the Respondent : SC, HIGHER EDU, MR. S K MEDHI (FOR ACCOUNTANT GENERAL (R-4)),SC, AG (A AND E),SC, SEBA

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 26.02.2026

Heard Mr. S. Khound, learned counsel for the petitioner. Also heard Mr. S. Bhuyan, learned Standing Counsel, Higher Education Department for the respondent Nos. 1 and 3; Mr. D. K. Roy, learned Standing Counsel, Assam State School Education Board (ASSEB in short) and Mr. S. K. Medhi, learned Standing Counsel, Accountant General, Assam for the respondent No.4.

[2.] Having regard to the nature of controversy projected by the petitioner, the writ petition is taken up for disposal.

[3.] By filing this writ petition, the petitioner has challenged the rejection of his application for correction of his Date of Birth which was communicated to him by the ASSEB on 03.05.2024 (Annexure-9). The learned counsel for the petitioner submits that the Date of Birth of the petitioner has been wrongly

recorded as 15.05.1967 whereas, it should have been 15.02.1970. He submits that in the body of the application submitted by the petitioner before the ASSEB authority, the Head Master of the School where he was studying had clearly mentioned that according to the admission register book of the School, the Date of Birth of the petitioner is 15.02.1970. Therefore, the Date of Birth ought to have been corrected by the respondent authority concerned.

[4.] Mr. D. K. Roy, learned Standing Counsel, ASSEB submits that as per the Regulation of the Board, it is not permissible to correct the Date of Birth of the petitioner on the basis of facts projected by him. He submits that the petitioner is also not even submitted the admission register which according to him has an entry of his correct Date of Birth i.e., 15.02.1970. He therefore submits that the application was rightly rejected.

[5.] Mr. S. K. Medhi, learned Standing Counsel, Accountant General, Assam submits that the said respondent has no role to play in the instant case.

[6.] Submission made by the learned counsel for the parties have been considered. On perusal of the impugned Communication dated 03.05.2024, issued by the Secretary, Board of Secondary Education Assam (erstwhile SEBA), it is seen that the respondent authority concerned has not assigned any particular reason as to why the application cannot be entertained as prayed for. All that it states is that the prayer cannot be considered as per the Board's Regulations. Under the circumstances, this Court is of the considered view that the respondent Board should re-consider its decision by giving the petitioner an opportunity of hearing.

[7.] In view of above, the writ petition is disposed of by directing the respondent authorities concerned i.e., Assam State School Education Board to

reconsider the case of the petitioner by giving him an opportunity of hearing. The petitioner would be at liberty to produce any documents in his power and possession to support his claim that his Date of Birth is 15.02.1970. The same shall be taken into account by the respondent, ASSEB and thereafter upon hearing him personally, shall pass a speaking order. The entire exercise shall be completed within a period of 6(six) weeks from the date of receipt of a certified copy of the order.

[8.] Needless to say, the Communication dated 03.05.2024 is hereby set aside.

[9.] Writ petition is accordingly stands disposed of.

JUDGE

Comparing Assistant