

Court No. - 10

Case :- WRIT - C No. - 38878 of 2023

Petitioner :- Harshit Singh (Minor)

Respondent :- Union Of India And 2 Others

Counsel for Petitioner :- Mahesh Chandra Maurya, Manoj Tripathi

Counsel for Respondent :- A.S.G.I., Ashish Malhotra, Rahul Pandey

Hon'ble Kshitij Shailendra, J.

1. Heard Sri Manoj Tripathi, learned counsel for the petitioner, Sri Rahul Pandey appearing for the respondent no.3 and Sri Ashish Malhotra for the respondent no.2.

2. After conducting preliminary hearing of this case on 08.11.2023, following order was passed:-

"1. The petitioner's request for correction in his date of birth has been refused by the respondent no.3, i.e. the Principal of the Institution, citing certain difficulties and reasons.

2. The petitioner's grievance is that he is now a student of Class-IX and if his date of birth is not corrected, erroneous date of birth would be uploaded by the Central Board of Secondary Education in its record and, therefore, correction, at this very stage, is required.

3. Sri Ashish Malhotra, learned counsel for the respondent no.2, submits that, as of now, the role of C.B.S.E. has not come into existence.

4. Issue notice to the respondent no.3. Steps be taken within 10 days.

5. In addition to normal mode of service, the petitioner is directed to serve the respondent no.3 by Dasti mode also.

6. Office is directed to handover requisite Dasti notices to the petitioner within 10 days itself.

7. Put up this case as fresh on 12.12.2023.

8. Affidavit of service shall be filed on the next date.

9. Principal of the institution (respondent no.3) shall come up with his stand through learned counsel and considering the nature of rejection order, the Principal would suggest the ways in which the grievance of the petitioner can be redressed."

3. Sri Rahul Pandey has put in appearance on behalf of the Principal of the Institution (respondent no.3) and he submits that the Principal has already made her stand clear in the order impugned dated 20.09.2023 that the date of birth of the petitioner 30.09.2008 was entered in the records of the institution on the

basis of School Leaving Certificate produced by the petitioner as issued from Mount Litera Zee School, Etawah and that the correction has been denied in absence of any order from the competent court of law.

4. Sri Ashish Malhotra submits that the role of Central Board of Secondary Education would come into picture after the form is uploaded by the Board and that stage has not yet arrived.

5. Learned counsel for the petitioner submits that the date of birth certificate and Adhar Card were issued by the concerned authority respectively in 2012 and 2017 and in so far as the School Leaving Certificate is concerned, the same was issued in 2013 but, inadvertently, the petitioner could not get the date of birth corrected in the records of Mount Litera Zee School, Etawah.

6. Having heard the learned counsel for the parties, the Court finds that the School Leaving Certificate was issued on 18.07.2013 and about 8 months prior to issuance of such certificate, the Registrar, Birth and Death, Gram Panchayat, Sarwat, in exercise of statutory power, had issued a birth certificate dated 28.11.2012 mentioning the date of birth of the petitioner as 09.01.2010. The said document being a public document, the Court, in absence of anything against the same, attaches sanctity to it. In so far as the Adhar Card is concerned, the same was issued in 2017 and is not of much relevance though it also records the same date of birth i.e. 09.01.2010.

7. It appears that for one reason or the other, the petitioner could not get the date of birth corrected in the records of Mount Litera Zee School, Etawah.

8. Considering the chain of events and the stand taken by the Principal in the order impugned, in absence of any law which restrains the power of the Court under Article 226 to pass any order in the interest of justice, the writ petition is **disposed of** in the following terms:-

(i) The petitioner shall produce certified copy of this order along with fresh application supported by documents before the Principal, Nirmala Convent School, Shiv Puri, Bulandshahr, U.P. (respondent no.3) within a period of **three weeks from today**.

(ii) The Principal shall correct the date of birth of the petitioner as 09.01.2010 in records of the institution and shall mention the same in the petitioner's form of Class-IX for the purposes of registration

by the C.B.S.E. immediately thereafter.

Order Date :- 12.12.2023

AKShukla/-