

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.1492 of 2015

Date of Decision.29.01.2015

Krishan

.....Petitioner

Versus

Punjab School Education Board and another

.....Respondents

Present: Dr. M.L. Sachdeva, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The petitioner's attempt to change the date of birth from 26.08.1983 as entered in the Matriculation School Board Marks Certificate to 27.08.1984 is on the basis that the correct date of birth as found in the birth certificate is only 27.08.1984 and the wrong entry has been given by the parents at the time of admission into the school on account of illiteracy.

2. The manner of change of date of birth is provided through the Regulations which are extracted in the writ petition itself. The relevant Regulation is Punjab School Education Board (Correction in Date of Birth or Father's name) Regulations, 1988 require that any change would be possible for a clerical mistake that has happened at the time of filling in admission form and such a request must again be made within a period of six months after the dispatch of the certificate. This period of six months could also be extended by another period of four years.

3. Admittedly, the candidate has passed in the year 1999 itself

and a request for change as set down in the manner of Regulation is not stated to be a clerical mistake which has come about in the school records. It is on the other hand said to be a result of wrong date given on account of illiteracy by the parents. So long as there is no challenge to the Regulations themselves, there is no question of compelling the Punjab School Education Board to comply with the request of the petitioner which is against the Regulations. Apart from the fact that the petitioner cannot have the relief as per the Regulations, even law of limitation will stand against him for person who has secured marks certificate in the year 1999 and who has crossed well past his majority more than three years from the date when the school certificate was given, the petitioner cannot fix an arbitrary date as the date of knowledge to seek for such a correction. The claim for such a correction is, therefore, also barred by limitation.

4. The petitioner's another grievance is that there will be mismatch between the date of birth as entered in the birth certificate and date of birth as entered in the matriculation certificate. It is the petitioner's own doing or by guardian whose action is bounding on the petitioner but that itself cannot provide any basis for altering the date of birth as entered in the matriculation certificate.

5. I will find no relief is possible in the writ petition. The relief sought for ought to fail and the writ petition is accordingly dismissed.

(K. KANNAN)
JUDGE

January 29, 2015
Pankaj*