

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.17214 of 2015

Date of decision: 19.8.2015

Vikramjit

...Petitioner

Versus

Central Board of Secondary Examination and another **...Respondents**

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Vikas Arora, Advocate for the petitioner.

G.S.SANDHAWALIA, J, (Oral)

The relief sought for in the present writ petition is for directing the respondent to correct the date of birth as 03.01.1996 (wrongly mentioned as 03.01.1999) as per the certificate issued by the Chief Registrar, Births and Deaths, Punjab (Annexure P/2).

The case of the petitioner is that the certificate issued by the Board depicts the date of birth as 2.10.1995 (Annexure P/1) and reason for the mistake in the date of birth was due to illiteracy of the father of the petitioner who had given approximate date of birth. The variance in the date of birth is a hurdle as the petitioner is not eligible to apply for the Passport. A representation dated 13.4.2015 (Annexure P/3) has been filed with the respondents but no action has been taken on the same.

Reliance has been placed upon the judgment of a Division Bench of this Court in **Ambika Kaul Vs. Central Board of Secondary Education and others 2015(2) Law Herald (Punjab and Haryana) 2181** to submit that the request for correction of date of birth is within the period of limitation since the petitioner was born on 3.1.1996. The relevant portion reads as under:-

“The right to seek actual date of birth has to be exercised within three

PRADEEP KUMAR ARORA
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years of attaining the majority on the basis of the birth certificate issued by the Registrar of Births and Deaths. But, after expiry of period of three years from the cessation of disability, no person can rely upon the birth certificate. He is bound by the date given in the matriculation certificate. Therefore, in any case, the right of a person to seek actual date of birth on the basis of entry in the birth certificate by the Registrar of Births and Deaths is three years after attaining the majority on the basis of date of birth in the said certificate.”

Accordingly, counsel submits that he would be satisfied if a direction is issued to respondent-Board to consider and decide the said representation within a specified period.

Keeping in view the limited relief sought for, the present petition is disposed off without calling the respondents to file their reply.

Accordingly, the present writ petition is disposed of with a direction to respondent-Board to decide the representation dated 13.4.2015 (Annexure P/3) keeping in view the above judgment. The Board shall also take into consideration the observations made by this Court in **Civil Writ Petition No.7633 of 2012-Manroop Singh Vs. Central Board of Secondary Education and others** decided on 9.1.2014 since the certificate (Annexure P/2) issued by the Chief Registrar was registered on the very next day on 4.1.1996 and carries a presumptive value. The necessary exercise be done within a period of two months from the date of receipt of a certified copy of this order. Needless to say that in case the relief is to be denied to the petitioner then reasoned order be passed by the said respondent.

The writ petition stands disposed of accordingly.

August 19, 2015
Pka

(G.S.SANDHAWALIA)
Judge