

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 24793 of 2014
Date of decision: 17.09.2015

Sandeep KambojPetitioner(s)

Versus

Union of India & others ...Respondent(s)

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

Present: Mr.Naveen Bawa, Advocate, for the petitioner.

Mr.Harsh Aggarwal, Advocate, for respondent No.2.

G.S.SANDHAWALIA, J. (Oral)

Prayer in the present writ petition is for correction in the date of birth in the Detailed Marks Certificate of matriculation of the petitioner as per school records and on the strength of the certificate issued by the Registrar (Births & Deaths) dated 26.03.2010 (Annexure P3), from 30.10.1996 to 30.09.1996.

The case of the petitioner is that when he received his Detailed Marks Certificate of matriculation, issued on 20.05.2014, he came to know of the wrong date of birth and thereafter, a request was made to the Principal of the School-respondent No.3, who sent a request to the Board for correction of the date of birth vide letter dated 08.08.2014 (Annexure P2). The photocopy of the admission form and the list of candidates and the certificate issued by the Municipal Council (Annexure P3) was also attached. The petitioner also approached the Board on 19.09.2014 for the necessary relief and thereafter, has come to this Court.

In the reply filed by the respondent-Board, the defence taken is that as per the registration with the Board in Class 9, the date of birth was mentioned as 30.10.1996 and Regulation 69.2 was relied upon and also the judgment of this Court in CWP No.15315 of 2014 titled *Ambika Kaul Vs. Central Board of*

Secondary Education & others, decided on 04.08.2014. It has, however, not been denied that the school had also sent the necessary application, though, it is pleaded that it is not as per the bye-laws and all documents are not attached.

The issue now stands squarely covered against the Board, to the extent that a candidate can, within 3 years of attaining maturity, approach the Court for correction of his date of birth. The said judgment in the case of Ambika Kaul (supra) was taken in appeal in Ambika Kaul Vs. Central Board of Secondary Education & others 2015(2) LAR 264. The Division Bench gave the liberty to the candidate to seek correction within a period of 3 years from attaining the age of maturity. The petitioner approached the school on 08.08.2014 and having been born in the year 1996, therefore, is within the prescribed period and the application was not beyond limitation. The documents have been supplied by the school and in case there is any discrepancy, as stated by counsel for the Board, the same can be called from the school.

Accordingly, the present writ petition is allowed. The application for change of date of birth be decided by the respondent No.2-Board, in accordance with law, within a period of 3 months from the date of receipt of a certified copy of this order.

17.09.2015
sailesh

(G.S. SANDHAWALIA)
JUDGE