

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

CWP No.3250 of 2015

Date of Decision.24.02.2015

Abhimanyu son of Sh. Gulab Singh

.....Petitioner

Versus

CBSE

.....Respondent

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

-. -

K. KANNAN J. (ORAL)

1. The objection for alteration of date of birth in CBSE records is not possible at all for the objection is brought on a fundamental error that such a change could be brought about at any time to conform it to the entry in the date of birth. Such a contention cannot also be supported through the decision which the learned counsel refers to and cites before me in **Resham Singh Vs. Union of India and another 2008 (1) RCR (Civil) 131**. The Division Bench was examining the issue of conflict in date of birth issued by the Registrar of Birth and Deaths and the entry in the school leaving certificate was in the context of a change to be brought in the passport containing the date of birth. The direction itself was not for change of date of birth in the CBSE records and that makes all the difference. What would apply to the CBSE shall not apply to passport authority.

2. If there is a change which can be effected, it must conform

to the parameters laid down in the change or correction in the date of birth as approved in the bye laws of of the Central Board of Secondary Education. The said bye law reads as follows:-

“69.2 changes/correction in the date of birth:

(i) No change in the date of birth once recorded in the board's records in respect of those candidates who have appeared for the secondary/senior school examinations conducted by the board shall be made. However, corrections to correct typographical and other errors to make the certificate consistent with the school record can be made provided that corrections in the school records should not have been made after the submission of application for admission to examination to the board.

(ii) Such correction in date of birth of a candidate in case of genuine clerical errors will be made under orders of the Chairman where it is established to the satisfaction of the chairman that the wrong entry was made erroneously in the list of candidates/application from of the candidate for examination.

(iii) xxxx xxxx xxxx xxxx

(iv) xxxx xxxx xxxx xxxx

3. The change in the date of birth as contemplated in the Bye Laws is only when there is a clerical error which had crept in at the time of recording the date of birth which the school had transmitted. If the information supplied by the school in the application is what is also entered in the CBSE certificate, then there can be no complaint of clerical error for correction through a Court order. It must be pointed out that there is not even a challenge to the regulation contained in the CBSE Bye Laws in the writ petition and therefore, so long the said regulation is there, it has the effect of law. There can be no alteration in any manner other than how it is provided under the said Regulation.

4. There shall be a further objection to the remedy which is

asked for, viz; the petitioner has passed his CBSE even in the year 2009 and he had completed the age of 18 years according to him in the year 2008. There is no possibility of initiating action after six years, when the limitation period for filing the suit is three years. If the suit is not maintainable on the issue of limitation, the writ petition also cannot be maintained, for, the petitioner is guilty of laches having brought this matter six years after he has passed from the CBSE. There is no relief which is possible in the writ petition.

5. The writ petition is dismissed.

(K. KANNAN)
JUDGE

February 24, 2015
Pankaj*