

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

CWP No.484 of 2015
Date of Decision.13.01.2015

Mandeep SinghPetitioner
Versus
Central Board of Secondary Education and othersRespondents

Present: Mr. Rajeshwar Singh, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ? No
2. To be referred to the Reporters or not ? No
3. Whether the judgment should be reported in the Digest? No

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K. KANNAN J. (ORAL)

1. The petitioner seeks for mandamus for change in date of birth in the CBSE record. According to the petitioner, he was born on 28.09.1997 as entered in the registration department but at the school where he gained admission, the date of birth was entered as 28.09.1998. This date continued right through and this information relating to the date of birth as 28.09.1998 was also furnished by the school to CBSE at the time of enrollment as candidate in the examination and when the mark-sheet was issued, it also contained the same date of birth as 28.09.1998. The petitioner now states that the date of birth must be modified as 28.09.1997 since that is the correct date of birth.

2. The issue for modification of CBSE certificate cannot be merely rested on what is correct. The CBSE Regulations relating to a change in the date of birth reads thus:

““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)

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- (iv)

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3. The scope for correction with the CBSE arises only if there is a clerical mistake, which has come about by the school that transmits the information to the CBSE, with reference to the date of birth which is at variance with the entries found in their own books. If the date of birth is entered, therefore, as 28.09.1998 in the school where the petitioner was studying and that information has been furnished to CBSE for drawing up the marksheet and entering the date of birth, that cannot be modified later.

4. It must be noticed that there is no challenge to the regulations of the CBSE itself. The legal mandate for a modification through a mandamus could arise only for enforcement of a right in terms of the regulations. If the regulations admit of change of date of birth only in a particular manner, there cannot be a Court's direction which is against the regulation when the regulations are not under challenge. There is also an issue of estoppel for a person who gives a particular entry through a guardian cannot alter at some point of time

that it is not correct. The counsel appearing on behalf of the petitioner submits with passion that there are two official records giving different dates of birth that would require to be corrected. The birth certificate gives the date of birth as 28.09.1997 and the CBSE certificate gives the date of birth 28.09.1998. It is not an issue whether the petitioner gains an advantage. The issue, on the other hand, is the advantage of what the petitioner pleads for cannot be gauged now. There may be so many occasions where it is convenient for a person to alter the date of birth only to gain an admission if the particular date of birth creates a problem for a person on the ground of over or under age. If a person through guardian gives information regarding the date of birth and that is carried in the books of the school for the whole length of the period of the schooling, it cannot be modified after the entry is brought in the CBSE record. The correction must have been done at the school before information was submitted by the school to the CBSE and not thereafter. This Court has had an occasion to deal with the issue in Ambika Kaul Vs. CBSE and others in CWP No.15315 of 2014 on 04.08.2014 and I have held that change or modification in the date of birth in CBSE records shall be restricted only to clerical mistakes which have come about and cannot be modified only to make it congruent with the date of birth as entered in the birth certificate.

5. The relief sought in the writ petition, therefore, cannot be granted and it is dismissed.

(K. KANNAN)
JUDGE

January 13, 2015
Pankaj*