

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

CWP No.8697 of 2013

Date of Decision.12.01.2015

Sanjay Sharma

.....Petitioner

Versus

Central Board of Secondary Education and others

.....Respondents

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. S.K. Galhotra, Advocate
for respondent Nos.1 and 2.

Mr. Rishi Nijhawan, Advocate
for respondent No.3.

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 writ petition is for change of date of birth to be entered in the CBSE certificate issued by the 1st respondent. According to the petitioner, the date of birth as entered in the DMC issued by the CBSE for the session 2009-2010 is 01.08.1994 when according to the petitioner, the actual date of birth as per the entries found in the birth register is 27.03.1994. A representation given by the petitioner has been turned down by the respondents on the ground that the entry as found in the school register shall be a cutting and modification of the date of birth and therefore, such a change cannot be made now.

2. I asked the counsel to explain as to when the correction was made by the school. According to him, the correction in the date of

birth was made on 07.11.2013 that is subsequent to the date when the DMC issued for the session 2009-2010. The only occasion when there will be a right for a candidate to apply for a change in the date of birth is when there contains a clerical error in recording the date of birth of what is already entered in the school record. If on the date when the DMC was issued for the session 2009-2010 on the basis of information already supplied by the school, the date of birth is shown as 01.08.1994 a subsequent change made by the school itself cannot afford an opportunity for the student to seek for a modification to conform to an alleged date of entry in the birth register as 27.03.1994. This does not conform to the rules and there cannot be a compulsion for the CBSE to make such modification in the manner sought for.

3. Learned counsel for the petitioner refers to me an alleged identical situation where the change in date of birth was allowed. I find no congruity in issues except that a particular decision has allowed for such a process. I regret I may not be able to follow the decision which is taken against the rules. So long as there is no challenge to the regulation of the CBSE that permits the change only for clerical error, the question of change in the date of birth does not arise.

4. There is no scope for intervention in the writ petition. The writ petition is dismissed.

(K. KANNAN)
JUDGE

January 12, 2015
Pankaj*