

CWP No.7056 of 2015 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.7056 of 2015 (O&M)
Date of decision:24.07.2015**

Ekjot Kaur

...Petitioner

Versus

Central Board of Secondary Education and another

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. R. Kartikya, Advocate, and
Mr. Kanwal Goyal, Advocate, for the petitioner.

Mr. Aseem Aggarwal, Advocate,
for respondent no.1.

Mr. Amit Dhawan, Advocate,
for respondent no.2.

Rakesh Kumar Jain, J.

The petitioner has prayed for a writ in the nature of *mandamus*, seeking direction to the respondents to correct her date of birth from 14.03.1997 to 04.03.1997.

In short, the petitioner appeared in the matriculation examination from the respondent no.2-school and in the list of candidates of 10th class submitted to the CBSE, her date of birth was erroneously typed by the Computer Operator as 14.03.1997 instead of 04.03.1997, which has been incorporated in her 10th class certificate by the CBSE.

It is submitted that respondent no.2 sent a request to respondent

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no.1 on 20.09.2014 for change her date of birth in which respondent no.2 owned up its mistake, alleged to have been committed by the Computer Operator in typing date of birth of the petitioner as 14.03.1997 instead of 04.03.1997 in the list of 10th class students submitted to the CBSE.

After notice, both the respondents have filed their separate replies.

In the reply filed by respondent no.1, it is averred that as per Clause 69.2 of the Examination Bye-Laws, the error in the date of birth of the petitioner cannot be changed, whereas in the reply filed by respondent no.2, it is averred that date of birth of the petitioner was wrongly mentioned while submitting the list of 10th class students during the year 2012 and when the secondary school examination certificates was received in the school, the concerned staff, in order to save his skin, changed the school record as well in respect of the date of birth of the petitioner. It is further averred that respondent no.2-school has already warned the dealing clerk to be careful in future while filling up the particulars of the students in the list to be submitted to the CBSE.

After hearing learned counsel for the parties and examining the available record, it is found that there is no fault on the part of the petitioner, rather the fault is on the part of respondent no.2 who has wrongly mentioned date of birth of the petitioner in the list of 10th class students submitted to the CBSE and the school staff even changed the record and date of birth of the petitioner, which has been mentioned from the beginning as 04.03.1997, has been converted as 14.03.1997 by adding '1' before '4',

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which is admitted by the respondent no.2-school itself as it is averred in the reply that the dealing clerk has been given warning in this regard.

Thus, in view of the aforesaid facts and circumstances, I am of the considered opinion that the petitioner should not suffer for no fault of her as the entire fault is of respondent no.2-school who has tampered with the admission record of the petitioner in which her date of birth was correctly mentioned as 04.03.1997, which was wrongly typed as 14.03.1997 by the dealing clerk who had even changed the school record in order to justify his mistake committed by him at the time when the list was submitted to the CBSE of the 10th class students.

Thus, in these peculiar facts and circumstances, the writ petition is hereby allowed and the respondents are directed to correct their record and in particular respondent no.1 is directed to issue 10th class certificate to the petitioner by inserting her date of birth as 04.03.1997. The entire exercise shall be done within a period of four weeks from the date of receipt of certified copy of this order.

July 24, 2015
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(Rakesh Kumar Jain)
Judge