

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

LPA No.495 of 2015

Date of decision: 21.07.2015

Sanjay Sharma

.....Appellant

Vs.

Central Board of Secondary Education & others

.....Respondents

**CORAM: - HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE LISA GILL**

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

Mr. Nitin Kant Setia, Advocate, for respondent Nos.1 & 2.

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

HEMANT GUPTA, J.

Challenge in the present appeal under Clause X of the Letters Patent is to an order passed by learned Single Judge on 12.01.2015, whereby the writ petition filed by the present appellant seeking correction of date of birth in the matriculation certificate was declined.

The stand of the appellant is that he was born on 27.03.1994. In proof of such date, he relies upon the birth certificate (Annexure P-1) issued under the Birth and Death Registration Act, 1969 and also the passport (Annexure P-5) issued on 11.06.2008. However, in the school records, the date of birth of the appellant was initially recorded as 01.08.1994. Respondent No.3 – School, where the appellant studied, forwarded the request on 25.05.2010 (Annexure P-2) for correction in date of birth certificate from 01.08.1994 to 27.03.1994 by enclosing the photocopy of the admission form; photocopy of the admission & withdrawal register of the school; photocopy of registration card and photocopy of date of birth certificate to the Central Board of Secondary Education. Such request was not accepted vide communication dated

04.08.2011 (Annexure P-3) for the reason that there is cutting in the school record.

A perusal of the record shows that the appellant appeared in 10th examination during the academic session 2009-10, when the mistake in the school record came to his notice and requested for correction.

We have heard learned counsel for the parties and find that the appellant is entitled for correction in date of birth in matriculation certificate. Firstly, the date of birth as per the birth certificate (Annexure P-1) issued under the Birth and Death Registration Act, 1969 is 27.03.1994. Such date of birth is conclusive, as held by a Division Bench of this Court vide order dated in LPA No.1613 of 2014 titled 'Ambika Kaul Vs. CBSE & others'. The appellant has sought correction in the date of birth in the year 2010 itself. By such correction in the date of birth, the appellant is, in fact, would be older in age. The request for correction was made even during the minority of the appellant. There is no unlawful gain, which the appellant intends to achieve. It is only a mistake in the school records corrected by the school itself, which was sought to be corrected, but declined by the respondents – Board.

Thus, we find that in view of the judgment in Ambika Kaul's case (supra), the appellant has made a case for correction in his date of birth by the Central Board of Secondary Education.

Consequently, while setting aside the order passed by the learned Single Judge, we allow the present appeal as well as the writ petition and direct the Central Board of Secondary Education to incorporate the changes sought for.

(HEMANT GUPTA)
JUDGE

21.07.2015

(LISA GILL)
JUDGE