

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

219

**RSA No.3984 of 2012 (O & M)
Date of Decision:17.11.2015**

Naveen Kumar

....appellant

Versus

Central Board of Secondary Education and othersrespondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

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

Present: Mr.Jagjeet Beniwal, Advocate
for the appellant

Mr.N.K.Setia, Advocate
for respondents No.1 and 2

Mr.R.A.Sheoran, Advocate
for respondent No.3

ARUN PALLI, J.(ORAL):-

In a suit filed by the appellant-plaintiff, he prayed for a declaration that he was entitled to get his date of birth rectified that was entered as 01.02.1987 in All India Secondary School Certificate Examination held in the year 2003 under Roll No.2125744 by Central Board of Secondary Education-respondent No.1(for short 'Board') and by way of consequential relief, a decree for mandatory injunction was claimed for directing the Board to issue a fresh certificate with his corrected date of birth i.e.01.02.1988.

The suit filed by the plaintiff was dismissed vide judgement and decree dated 13.06.2011. As even the appeal preferred against the said decree failed and was dismissed vide judgement dated 28.04.2012, the plaintiff is before this Court.

Along with the appeal, the appellant had also moved an application under Order 41 Rule 27 of the CPC, vide which a birth certificate that is purportedly issued by the Army authorities showing the date of birth of the appellant as 01.02.1988, is sought to be proved on record.

Having argued the matter at some length, learned counsel for the parties have reached a consensus that since the certificate (Annexure A-1) dated 30.04.2003, i.e. allegedly issued by Major Jaya Kumar Stationed at Nasik, is sought to be brought on record, for the first time before this Court, the appellant may instead, represent the Board i.e. respondent No.1, on the basis of certificate (Annexures A-1 and A-2) dated 30.04.2003. And the Board shall verify the veracity and authenticity of the said certificate and shall pass appropriate order on the representation of the appellant. In the event, the Board accepts the representation that shall be made by the appellant, a fresh certificate shall be issued by the Board.

That being so, the present appeal is disposed of, in the following terms:

1. Appellant shall make a comprehensive representation along with copy of the certificate dated 30.04.2003 (Annexure A-1 and A-2) as regards correction of his date of birth in the All India Secondary School Certificate Examination held in the year 2003 under Roll No.2125744 by respondent No.1, within a period of one month from today.
2. Respondent-Board, on receipt of any such representation, shall be at liberty to ascertain/verify the veracity or authenticity of the said document and decide the said representation by passing appropriate order within a period of two months from the receipt of the said representation.
3. In the event, the representation made by the appellant is accepted, needless to assert, Board shall issue fresh certificate to the appellant incorporating the correct date of birth.

17.11.2015

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(ARUN PALLI)
JUDGE