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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7587/2015**

RAJIV KAPOOR

..... Petitioner

Through: Mr. Rajinder Wali, Advocate

versus

**THE SECRETARY, CENTRAL BOARD OF
SECONDARY EDUCATION AND ORS**

..... Respondents

Through: Ms. Anjana Gosain and Ms. Vishnu
Agrawal, Advocates for R-3

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

13.10.2015

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1. This is a writ petition seeking change in date of birth of the petitioner.
- 1.1 This petition, for the first time, was moved on 11.08.2015. At that stage, there were three respondents in the writ petition. Respondent no.1 and 2 were effectively, the Central Board of Secondary Education (CBSE). On that date, my predecessor passed an order and put certain queries to the counsel for the petitioner whereupon, the counsel for the petitioner dropped the CBSE i.e. respondent no.1 and 2 from the array of parties. The writ petition was dismissed in so far as the CBSE was concerned.
2. In so far as respondent no.3 [which is the only respondent left in the case (i.e. the Airport Authority of India (AAI)], is concerned, once again, my predecessor had put a query to the counsel for the petitioner as to which are those Service Regulations, under which, the change of date of birth, was permissible.

2.1 Since, the counsel did not have the regulations readily at hand, an accommodation was given to the counsel to place the same on record.

2.2 Mr. Wali has since then filed the regulations in that behalf. The title of the Regulations reads as :- Airports Authority of India (General Conditions of Service and Remuneration of Employees) Regulations, 2003 (in short 2003 Regulations).

3. Briefly, it is the petitioner's case that his actual date of birth is 02.08.1968, whereas in the matriculation certificate, it is shown as 02.05.1967. Admittedly, the petitioner has been in service of AAI since 1992. For the first time, representation for change of date of birth was made on 04.01.2013.

3.1 This representation was dealt with by AAI. Vide communication dated 15-20/03/2013, the AAI, communicated to the petitioner that under the Service Rules and guidelines, his application could not be "admitted".

4. The petitioner, admittedly, did not move the court in the matter till August 2015. As indicted above, this petition came up before the court, for the first time, only on 11.08.2015.

5. I am also told that the petitioner is holding the post of AGM (HR). There is no explanation as to why the petitioner, for 23 years, took no action for change of his date of birth. It is submitted before me by Mr. Wali that this fact came to the knowledge of the petitioner only when his father handed over to him an old file, which contained his birth certificate. Mr. Wali, further contends that there is an obvious error as the parents of the petitioner got married on 06.05.1967.

5.1 There is no way for the court to ascertain as to whether this assertion of the petitioner is correct, that is, the supposed discovery of the fact that

there was a birth certificate available which showed his actual date of birth as 02.08.1968. Notwithstanding the above, the petitioner is, in my view, guilty of delay and latches as, even after 15-20/03/2013, he took no steps to approach the court at the earliest. The delay between March 2013 and the institution of the petition is not explained.

5.2 I may only note that Mr. Wali has also relied upon a judgment in the case of R.K. Jangra Vs. State of Punjab and Ors., (2009) 5 SCC 703. A careful perusal of the judgment would show that the Supreme Court, had directed the employer to consider the representation of the petitioner, which was filed on 08.05.1987. In that matter, the appellant before the Supreme Court had been seeking a correction since 1981. It is in those peculiar circumstances that the court issued the direction.

5.3 In the present case, the petitioner is clearly guilty of delay and latches.

6. Having regard to the circumstances adverted above, I am not inclined to entertain the petition. It is accordingly, dismissed.

RAJIV SHAKDHER, J

OCTOBER 13, 2015

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