

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13812 of 2015

Decided on :22.07.2016

Vineet Chopra & another

... Petitioners

Versus

Union of India & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.S.K.Biriwal, Advocate, for the petitioners.

Mr.Anmol Pandit, Advocate, for
Mr.A.K.Bansal, Advocate, for UOI.

Mr.N.K.Setia, Advocate, for respondents No.2 & 3.

G.S. Sandhawalia, J. (Oral)

The petitioners, who are minors, seek change of their date of birth in the Matriculation Certificate, from 30.03.1997 to 10.07.1996, in the case of petitioner No.1 and from 30.03.1997 to 27.05.1997, in the case of petitioner No.2. The change is sought on the basis of the birth certificate, issued under Section 17 of the Birth & Death Registration Rules, 1969. It has been averred that representation dated 28.04.2015 (Annexure P5) was made by the mother of the petitioners, for correction in the date of birth.

Respondents No.2 & 3, in their reply, have taken various objections including the maintainability of the writ petition. Reliance has also been placed upon the judgment of the Division Bench in **Ambika Kaul Vs. Central Board of Secondary Education & others** **2015(3) S.C.T. 350.**

However, it is apparent that the Board has not acted on the

representation and decided the issue as to whether the petitioners are entitled for the benefit and if not, on what ground. It has neither been denied that the representation was not received.

In such circumstances, in the absence of any decision taken, in the opinion of this Court, it would be appropriate if the respondent-Board firstly decide's the issue, within a fixed time-frame. It will be open to the Board to call upon the petitioners to complete the necessary requirements and supply the documents, as per the requirement, in support of their claim. The said exercise be completed within a period of 3 months from the receipt of a certified copy of this order.

With the above-said directions, the present writ petition stands disposed of.

JULY 22nd, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE