

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 27028 of 2015
Date of decision: 08.07.2016

Rohit

....Petitioner(s)

Versus

The Chairman, National Institute of Open Schooling and another

...Respondent(s)

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

Present: Mr. Kanwar Sanjiv Kumar, Advocate,
for the petitioner.

Mr. Aseem Aggarwal, Advocate,
for the respondents.

G.S.SANDHAWALIA, J. (Oral)

The petitioner prays for correction of date of birth in the certificate of Secondary Examination of April, 2005 (Annexure P-3). Reliance has been placed upon the certificate issued by the Registrar of Births and Deaths under the Registration of Births and Deaths Act, 1969 (Annexure P-1).

In the written statement filed by the respondents, plea of delay has been taken as the certificate issued by the respondents was issued on 20.12.2005 and reliance has been placed upon the Regulations of the Board. Reliance has also been placed upon the judgment of the Division Bench of this Court in *Ambika Kaul vs. Central Board of Secondary Education and others, 2015 (2) RSJ 606*.

A perusal of communication dated 01.01.2016 (Annexure R-2)

would go on to show that the application of the petitioner has been returned on various accounts. The same read thus:-

“Dear Student,

This is with reference to your application for correction in Date of Birth in Secondary Certificates/Admission Data and subsequent submission of other supporting proofs. In this context, it is to inform that your case has not be considered for following reasons:

i. No Change in the date of birth once recorded in the NIOS records.

ii. Application for correction in date of birth can be considered within three years from the date of registration in NIOS but prior to appearing in the first examination.

iii. The Application for correction in the date of birth should be submitted along with the following documents:-

A) Attested copy of the admission form of the candidate.

In view of above, your photo copies of certificates/mark-sheet, proof etc. submitted with the application is returned herewith.

Please acknowledge the same.”

It is, thus, apparent that no formal order of rejection giving valid reasons as such has been passed by the concerned authority. Even no statutory provisions or regulations have been referred to. Rather, information has also been sought regarding attested copy of the admission form of the candidate though the original would be with the respondents themselves.

In such circumstances, this writ petition is disposed of with a

direction to respondent no. 2 to decide the issue and pass a speaking order regarding whether the petitioner is entitled for change of date of birth or not. The factum of Annexure P-1, which is the certificate issued by the Registrar of Births and Deaths, shall also be kept into consideration by the said respondent. Needful be done within a period of 2 weeks from the date of receipt of certified copy of the order.

08.07.2016
shivani

(G.S. SANDHAWALIA)
JUDGE