

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

Civil Writ Petition No.4742 of 2015

Date of decision: 4.11.2016

Anmol Singh

...Petitioner

Versus

Central Board of Secondary Education and others

...Respondents

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

Present: Mr. Tribhawan Singla, Advocate for
Ms. Ritu Punj, Advocate for the petitioner.

Mr. Nitin Kant Setia, Advocate for respondents no.1 and 2.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks a direction to the respondents to change his date of birth from 23.1.1998 to 23.1.1997 in the Secondary School Examination Certificate (Class X) dated 20.5.2014 (Annexure P/3) issued by the respondent-Board. The claim is based upon the birth certificate dated 30.9.2015 (Annexure P/1) issued by the Chief Registrar (Births and Deaths), Punjab which was registered on 28.1.1997. Reliance has also been placed upon the passport (Annexure P/2) and Aadhar Card (Annexure P/7).

It is not disputed that the petitioner had filed representations dated 21.10.2015 (Annexure P/5) and 24.11.2015 (Annexure P/6) and also served a legal notice dated 25.11.2015 (Annexure P/8) to the respondent-Board before approaching this Court.

The writ petition has been opposed by filing reply on various grounds and reliance has been placed upon the judgment of Division Bench in **Ambika Kaul Vs. Central Board of Secondary Education and others**

2015(2) Law Herald (Punjab and Haryana) 2181.

Counsel for the petitioner on the other hand submits that the case of the petitioner would be covered by the aforesaid judgment.

The Board is under bounden duty to act upon the representations and should have decided the same at the first instance rather than forcing the petitioner to approach this Court.

Accordingly, the present writ petition is disposed of with a direction to the respondent Board to decide the said representations (Annexures P/5 and P/6) and legal notice (Annexure P/8) in accordance with law keeping in mind the observations of the Division Bench in **Ambika Kaul's case (supra)**. The respondent-Board shall also consider all the documents which have been appended in support of the writ petition. It is open to the respondent-Board to call for any other necessary document(s), if so required.

Let necessary exercise shall be completed within a period of three months from the date of receipt of certified copy of this order.

November 04, 2016
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No

Note: Vide order dated 28.11.2016, at the top of the page no. 1 of this order year was ordered to be read as '2016' in stead of '2015'