

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

**CWP No.9792 of 2016
Decided on :23.07.2016**

Harshpreet Singh (Minor) through his mother

... Petitioner

Versus

Central Board of Secondary Education and another

... Respondents

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

Present : Mr. Harkirat Sandhu, Advocate
for the petitioner.

Mr. Nitin Kant Setia, Advocate
for respondent No.1.

Mr. Aman Chaudhary, Advocate
for respondent No.2.

G.S. Sandhawalia, J. (Oral)

The petitioner who is a minor filed the present writ petition through his mother Sarabjeet Kaur seeking correction in his date of birth from 04.09.2000 to 04.10.2000. The said correction sought is on the basis of birth certificate dated 13.11.2003 (Annexure P-1) issued by the Registrar Births & Deaths, which was registered on 11.11.2000.

It is the case of the petitioner that a request dated 09.09.2014 (Annexure P-2) had been made to the respondent-School for correction of the date of birth. Thereafter, an application has been filed on 12.08.2015 (Annexure P-3) with the respondent-Board. Reliance has also been placed upon the Passport and Aadhaar Card, wherein the date of birth is mentioned as 04.10.2000. Resultantly, the correction is sought on the ground that it is a clerical error.

In the reply filed by the respondent No.2-School, the said plea has been opposed on the ground that the petitioner was not eligible at the time of admission on 17.03.2005. Reference is made to Annexure R-2/3 to show that the birth certificate dated 13.11.2003 furnished by the father of

the petitioner showed the date birth as 04.09.2000. It is further contended that the age of the petitioner would have been less than 5 years (4 years 11 months and 26 days) on 30.09.2005 when admission had to be taken in the said year. Therefore, the petitioner is estopped from seeking alteration in his date of birth after 10 years. No reliance upon the Passport and Aadhaar Card could be relied upon on account of the fact that they were issued subsequently.

Counsel for the petitioner has contended that the certificate for the Secondary School Examination has been issued on 28.05.2015 in which his date of birth is shown as 04.09.2000, which needs correction.

Thus, a dispute has arisen as to which is the correct birth certificate issued by the Registrar of Births & Deaths. Whether it is Annexure P-1 or Annexure R-2/3, since the registration number in both is 38 and both of them were issued on 13.11.2003 by the same authority. It is, thus apparent that disputed questions of fact arise and it is not for this Court to decide the said issue, in view of the settled principles.

In such facts and circumstances, it would be for the Civil Court to decide the said issue. Accordingly, the present writ petition is dismissed with liberty to the petitioner to agitate for his claim before the Civil Court.

JULY 23, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE