

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1277 of 2016 (O&M)

Date of Decision: 26.08.2016

Arti Yadav

... Appellant

VS.

CBSE & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

- | | |
|---|-----------------|
| 1. <i>Whether speaking/reasoned?</i> | Yes / No |
| 2. <i>Whether reportable?</i> | Yes / No |
| 3. <i>Whether Reporters of local papers may be allowed to see the judgment?</i> | Yes / No |
| 4. <i>To be referred to the Reporters or not?</i> | Yes / No |
| 5. <i>Whether the judgment should be reported in the Digest?</i> | Yes / No |

Present: Mr. JP Shama, Advocate for the appellant

Mr. Nitin Kant Setia, Advocate for CBSE

Mr. Mukesh Kumar Verma, Advocate for respondent No.5

SURYA KANT, J. (Oral)

(1) The question that arose for consideration before the learned Single Judge was whether the appellant is entitled to a writ of mandamus to direct the Central Board of School Education (CBSE) to change her date of birth in the Matriculation Certificate from 22.04.2000 to 22.04.1999?

(2) Learned Single Judge has declined to interfere with the rejection order passed by CBSE on the ground that the correction of the date of birth sought after 13 years is not justified.

(3) We have heard learned counsel for the parties.

(4) The question whether the appellant was actually born on 22.04.1999 or on 22.04.2000 is essentially a question of fact which can be effectively determined by the Civil Court.

(5) Let the appellant may, if so advised, institute such suit in which CBSE can also be impleaded as party-defendant. We have no reason to

doubt that the Civil Court shall decide the controversy expeditiously and preferably within six months.

(6) With these observations, the appeal stands disposed of.

(Surya Kant)
Judge

26.08.2016
vishal shonkar

(Sudip Ahluwalia)
Judge