

Sr.No.213

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

**CWP No. 21287 of 2016
Date of decision:9.03.2017**

Manthan Chabbra

.....Petitioner

versus

Central Board of Secondary Education and another

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Chirag Wadhwa, Advocate for
Mr. SPS Aulakh, Advocate
for the petitioner.

Mr. N.K.Setia, Advocate
for CBSE.

Rakesh Kumar Jain, J.(Oral)

The petitioner has prayed for a writ in the nature of certiorari to assail the validity of the order dated 2.03.2016(Annexure P-7) passed by respondent No. 1 by which claim of the petitioner for correction of his date of birth in the matriculation certificate from 4.01.1997 to 4.1.1998 has been rejected.

Counsel for the petitioner has submitted that his case has to be considered in terms of the provisions of clause 69.2 of the Examination Byelaws(unamended) of the CBSE.

This aspect of the submission is not contested by counsel for the respondents and has fairly conceded that since the petitioner has asked before the amendment, therefore, the amendment carried out on 26.05.2015 is not applicable and the case of the petitioner shall be considered in the light of unamended provisions of clause 69.2 of the Examination Byelaws of the CBSE.

Consequently, the present petition is hereby allowed, order dated 2.03.2016(Annexure P-7) is quashed and a direction is issued to respondent No. 1 to reconsider the case of the petitioner in terms of the provisions of clause 69.2 of the Examination Byelaws(unamended) of the CBSE and in case the petitioner is found entitled for the correction of his date of birth in the matriculation certificate, a fresh certificate of matriculation with the correct date of birth be issued to the petitioner within 30 days from the date of receipt of certified copy of this order.

9th March, 2017

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No