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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6847/2016**

SACHIN KUMAR

..... Petitioner

Through Mr.M.A.Khan, Advocate.

versus

CENTRAL BOARD OF SECONDARY EDUCATION AND ORS

..... Respondents

Through Mr.Ashok Kumar, Advocate for R-1/CBSE.

Mr.Roshan Lal Goel, Standing Counsel and Ms.Anju Gupta, Advocate for SDMC/R-2.

Ms.Jyoti Taneja and Mr.Hammad Khan, Advocates for R-3 and R-4.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **14.11.2017**

Petitioner is seeking a change in his date of birth. Submission is that the CBSE/R-1 has wrongly recorded his date of birth as 28.01.1997; his date of birth is 18.01.1997.

Counter affidavit has been filed by the respondents. Learned counsel for the respondents point out that the Examination Bye Laws particularly Bye Law No.69.2 prohibits the Department/CBSE from making any change in the date of birth of the school record of the petitioner after his 10th standard result has been declared. Submission is that the result of the petitioner for 10th standard was declared in the year 2015. Learned counsel for respondent no.1/CBSE has also placed on record the documents which pertain to the school record of the petitioner evidencing his submission that the actual date of birth of the petitioner is 28.01.1997.

Per contra, learned counsel for petitioner points out that 28.01.1997 was in fact the date of the registration of the petitioner's birth and his birth certificate obtained from the record of the Delhi Government clearly shows his date of birth as 18.01.1997.

Noting the mandate of the Bye Laws of the respondent no.1/CBSE this Court is of the view that the date of birth as appearing in the school records of the respondent cannot be changed; his date of birth shall remain as 28.01.1997.

Learned counsel for petitioner points out that the petitioner has a practical difficulty and his earlier driving licence (Light Motor Vehicle) had reflected his date of birth as 18.01.1997; he has now applied for a licence for a commercial vehicle but since his CBSE school record reflects his date of birth as 28.01.1997, which being discrepant and different from his actual date of birth (18.01.1997) is creating a hurdle in his way to get this driving licence.

Noting this practical difficulty while not allowing the prayer made in the petition, it is made clear that for all other intents and purposes the date of birth of the petitioner be read as 28.01.1997; no hurdle shall be created in the way of the petitioner for any purpose wherein his date of birth shall continue to be reflected as 28.01.1997.

Petition disposed of in the above terms.

INDERMEET KAUR, J

NOVEMBER 14, 2017

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