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

+ W.P.(C) 9718/2016

SHRIEYA GOSAIN

..... Petitioner

Through Mr.Mukul Gupta, Sr. Adv. with Mr.
Sumit Mishra, Advocate.

versus

CENTRAL BOARD OF SECONDARY EDUCATION AND ANR

..... Respondents

Through Mr.Ashok Kumar, Advocate for
CBSE.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **11.12.2017**

Petitioner is seeking a change in the date of his birth; submission is that the correct date of birth of the petitioner is 09.11.1999 and not 09.9.1999. Representation to the said effect has been made before his school (respondent no.2- Ryan International School). Attention has been drawn to the letter dated 18.01.2016 addressed by respondent no.2 to the CBSE (respondent no.1). This communication sent by respondent no.2 to respondent no.1 informed respondent no.1 that the date of birth of the petitioner was wrongly entered by her parents as 09.9.1999; her correct date of birth is 09.11.1999; this was noticed by the parents of the petitioner only when CCE Card was issued by respondent no.1; a request had been made by respondent no.2 to respondent no.1 to correct the error and issue a new CCE card.

Learned counsel for petitioner submits that he is not pressing the prayer that the record of the CBSE/respondent no.1 be corrected; submission being that he is aware of the Examination Bye-Laws;

particularly Examination Bye-Law No.69.2 which does not provide for such a change in the CBSE Records. Submission is that the limited prayer is that the correct date of birth (09.11.1999) reflected in his passport which passport was made much prior in time (26.3.2009) as also the date of birth mentioned in his Voter Identification Card and Aadhar Card be treated as his correct date of birth as the petitioner in view of these conflicting dates of birth (in the record of the CBSE and the passport) would suffer an anomaly in future. Learned counsel for petitioner in support of his submission has placed reliance upon a judgment of the Division Bench reported as 2011(5) ILR (Del) 267 Chigra Jain Vs. CBSE and Ors.; submission being that such a prayer by the Division Bench and had been considered and answered in favour of the said petitioner. Petitioner has also placed reliance upon a judgment of this Court delivered in WP(C) 6847/2016 Sachin Kumar Vs. CBSE on 14.11.2017.

Noting the stand of the respondent, this Court is of the considered view that the Examination Bye-Laws of the CBSE/respondent cannot allow the records of the CBSE to be changed.

However, the date of birth (09.11.1999) of the petitioner reflected in his passport as also in his Aadhar Card and Voter Identification Card for all intents and purposes be treated as his date of birth and the petitioner shall suffer no adversity on this count. Petition disposed of in the above terms.

INDERMEET KAUR, J

DECEMBER 11, 2017/ndn