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

+ **W.P.(C) 93/2017**

MOHD SYED HAMMAD ALI Petitioner
Through: Mr. Alamgir, Adv.

versus

CENTRAL BOARD OF SECONDARY EDUCATION
AND ORS. Respondents
Through: Mr. Atul Kumar, Adv. for R-1 & 2

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **13.02.2017**

CM. No. 504/2017 (for exemptions)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 93/2017

The present petition has been filed by the petitioner with the following prayers:-

“It is, therefore, most humbly prayed before this Hon’ble Court that keeping in view the above stated facts and circumstances, this Hon’ble court may kindly be pleased to:-

a) Issue a writ for mandamus or any other appropriate writ thereby directing all the respondents to correct the date of birth of the petitioner in place of 27.06.1994 to 27.06.1992 in the records of high school certificate as well as mark sheet.

Any other appropriate relief which this Hon’ble Court may deem fit and proper be also granted.

It is the case of the petitioner that he passed Class-X from the CBSE Board in the session 2009-2010 and Class-XII in the Session 2012-2013. It is conceded by the learned counsel for the petitioner that in the certificate issued by the CBSE at the time of passing out the Class-X, his date of birth was depicted as 27th June, 1994. According to him, his actual date of birth is 27th June, 1992. He would state that the mother of the petitioner being an illiterate has filled the date of birth as 27th June, 1994, while admitting the petitioner in the National Public School, Kalindi Colony, New Delhi, in which School, he studied since beginning.

If that being the position, suffice to state the said date of birth continues to exist in the record of the School for quite a long time and no efforts were made by the petitioner or his parents to get the same rectified. In fact, I note it is on the strength of the date of birth certificate issued on 24th June, 2015, a request was made for correction of the date of birth. This fact depicts that there was no date of birth certificate existing when the petitioner had taken admission in the School, but still the date of birth was reflected as 27th June, 1994. The said date of birth being part of the record for such a long time, the request made by the petitioner is without any merit. That apart, the said request having been made only on 28th November, 2016 in view of the bye-laws, as existing, the date of birth cannot be corrected. The law on this aspect is quite well settled and to note for benefit, in a recent judgment, this court on 28th November, 2016 in ***W.P.(C) 6042/2016 Shahil Tandon (Minor) through his natural guardian (father) v. CBSE and Ors.*** has held as under:

10. That apart, it is noted that the date of birth as October 30, 1996 was initially recorded in the records of the respondent No.4 in the year 2008. Thereafter, the name of the petitioner was registered with CBSE in the year 2012-13 when the date of birth was recorded as October 30, 1996. Thereafter, pursuant to the Class X examination, the certificate also depicts the same date of birth. As per the petitioner, the error was detected only when the petitioner was to take Class XII examination, i.e., in the year 2016, that is eight years after he took admission in respondent No.3 School when the mother of the petitioner herself stated the date of birth of the petitioner as October 30, 1996. It would be quite late in the day to seek change of the date of birth, more so, keeping in view the provision of byelaw 69.2 of the byelaws.

11. That apart, this Court is of the view that the case of the respondent would be covered by the judgment as relied upon by Mr. Atul Kumar, wherein in para 8, the Court has observed as under, which I reproduce for benefit.

“8. In the present case, class 10 certificate is dated 3rd June, 2000. Thereafter, the appellant had appeared in the All India Secondary School Certificate Examination in the year 2003. At that time also, the appellant did not challenge or ask for change of the date of birth or the name of his father. The plea taken by the appellant that he could not observe the aforesaid mistake till January, 2010 when the appellant was appearing in Civil Services Examination has been rightly not accepted. The appellant had obtained a certificate from Health Department of Government of Haryana on 2nd February, 2010 and then had approached CBSE and his school. Learned single judge has further observed that notices were issued to three schools where the appellant had studied. One school had stated that records were not available; another school had stated that no student by the appellant's name was enrolled with them and the third school where the appellant was studying when he

had appeared in 10 th class examination, had enclosed copy of admission form dated 21st April, 1999, extract of the admission withdrawal register and the transfer certificate dated 31st March, 1999 issued by his previous school. In these documents, the date of birth was recorded as 18th March, 1984 and not 18th March, 1985. The appellant's father's name was mentioned as Bhim Singh and not Bhim Sain.”

I do not see any merit in the petition. Same is dismissed.

V. KAMESWAR RAO, J

FEBRUARY 13, 2017/jg