

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CIVIL WRIT PETITION NO.28884 OF 2018(O&M)

DATE OF DECISION: DECEMBER 13, 2018

Rajbirinder Singh Malik

.....Petitioner

Versus

Central Board of Secondary Education and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Mukesh Mittal, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J.

CM No.18892 of 2018

Application is allowed as prayed for subject to all just exceptions.

The accompanying documents which, as per learned counsel, are the revised Rules of correction/change in the name/date of birth issued by the Central Board of Secondary Education, are taken on record as Annexure P5.

Application disposed of.

Main case

Petitioner has filed the instant writ petition praying for the issuance of a writ of mandamus for directing the respondent-Central Board of Secondary Education to correct his date of birth in the senior secondary certificate, Annexure P1, from 25.3.1997 to 25.3.1996.

Learned counsel adverts to the birth certificate placed on record and appended at Annexure P2 issued by the Municipal Corporation, Chandigarh under Section 12/17 of the Registration of Births and Deaths Act, 1969 as also under Rule 8/13 of the Chandigarh Registration of Births and Deaths Rules, 2000 and wherein date of birth of the petitioner is reflected as 25.3.1996. Even the relevant extract of the passport appended at Annexure P3 reflects the date of birth of the petitioner as 25.3.1996. Learned counsel has also placed reliance upon a Division Bench judgment of this Court in LPA No.1613 of 2014 titled as **“Ambika Pal v. Central Board of Education and others”** and connected LPA decided on 21.5.2015 wherein directions had been issued to the Central Board of Secondary Education with regard to correction/change in date of birth as per birth certificate of the appellant therein.

Precise grievance put forth in the petition is that inspite of the Central Board of Secondary Education having been repeatedly approached, the necessary correction in the date of birth has not been carried out.

Learned counsel submits that he would be satisfied if the instant writ petition was to be disposed of with a direction to the respondent-Central Board of Secondary Education to examine the prayer of the petitioner as regards correction in date of birth and to take a final decision thereupon within a stipulated time frame.

Prayer made by the learned counsel is found to be just and reasonable.

Accordingly, without even ascertaining the correctness of the averments made in the writ petition, I deem it appropriate to dispose of the instant writ petition in terms of granting liberty to the petitioner to file a comprehensive representation to the Regional Secretary, Central Board of Secondary Education, Panchkula as regards his prayer for correction of date of birth from 25.3.1997 to 25.3.1996. In the eventuality of any such representation along with supporting documents being filed within a period of ten days from today, respondent No.2/competent authority under the Central Board of Secondary Education would be obligated to examine the same in accordance with law as also the guidelines/bye-laws issued by the Board on the subject and to take a final decision thereupon expeditiously and in any case within a period of four weeks thereafter.

Writ petition is disposed of in the aforesaid terms.

DECEMBER 13, 2018
SRM

(TEJINDER SINGH DHINDSA)
JUDGE

Note:	<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
	<i>Whether Reportable:</i>	<i>Yes/No</i>