

CWP No.5059 of 2018

[1]

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

**CWP No.5059 of 2018
Date of decision:01.03.2018**

Sonu

...Petitioner

Versus

Central Board of Secondary Education and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. S.K.Yadav, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner has prayed for a writ in the nature of *mandamus* seeking a direction to the respondents to accept application form of the petitioner manually for National Eligibility-cum-Entrance Test (UG)-2018 (NEET), which is being conducted by respondent no.1 for admission to the MBBS/BDS course because of the reason that the online application is not being accepted due to difference in the date of birth mentioned in the Birth Certificate and the Secondary School Examination Certificate.

Learned counsel for the petitioner has submitted that the petitioner was born on 25.11.1999, which is rightly recorded as his date of birth in the Birth Certificate issued by the Registrar (Births and Deaths)-cum-Medical Officer, PHC Bushan, Bhiwani. However, respondent no.3-school has wrongly recorded his date of birth as 14.02.2002, which has been crept in his Secondary School Examination Certificate issued by the CBSE.

It is not disputed that the petitioner has already filed a suit for

declaration for seeking correction of his date of birth from 14.02.2002 to 25.11.1999 and the said suit is pending adjudication. The grievance of the petitioner is that admission notice for the NEET has been issued by the CBSE on the basis of which admission to all the seats of MBBS/BDS courses will be made as per the eligibility criteria, as per which the candidate of Unreserved Category born on or between 07.05.1993 and 01.01.2002 can only apply. The petitioner has alleged that though his actual date of birth is 25.11.1999 but since it has been wrongly recorded as 14.02.2002 in his Secondary School Examination Certificate, therefore, his online application is not being accepted.

Learned counsel for the petitioner has further submitted that the petitioner is an intelligent student and, thus, made a prayer that the date of birth of the petitioner may be ordered to be corrected from 14.02.2002 to 25.11.1999 by issuing appropriate directions and in the meantime, the petitioner may be permitted to submit the application form manually by giving the date of birth recorded in his Birth Certificate. In support of his submissions, he has relied upon a decision of this Court rendered in the case of **Resham Singh vs. Union of India and another**, 2008(1) R.C.R. (Civil) 131.

After hearing learned counsel for the petitioner and examining the available record, I am of the considered opinion that in view of the fact that the petitioner has already filed the Civil Suit for correction of the Date of Birth from 14.02.2002 to 25.11.1999 and the said Civil Suit is still pending, the issue as to whether the date of birth recorded in the Birth Certificate is correct or the date of birth recorded in the Secondary School Examination Certificate is yet to be adjudicated upon. Thus, in these facts and circumstances, when there is a specific eligibility criteria laid down in the admission notice that the candidates

who were born between 07.05.1993 and 01.01.2002 can apply, no interim direction can be given in favour of the petitioner for submission of his application form manually.

Consequently, the present writ petition is hereby dismissed being denuded of any merit, though without any order as to costs.

March 01, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No