

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

LPA No. 303 of 2018(O&M)

Date of Decision: 04.12.2018

Ujjwal Didar Singh Bhuler

.....Appellant

versus

Central Board of Secondary Education through its Secretary, New Delhi and
others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Ms. Madhu Dayal, Advocate, for the appellant.
Mr. Naveen Chopra, Advocate, for respondents No.1 and 2.
Mr. K.S.Kang, Advocate, for respondent No.4.

KRISHNA MURARI, CHIEF JUSTICE(oral)

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 12.11.2014 passed by the learned Single Judge dismissing the writ petition filed by the appellant-petitioner seeking a writ of certiorari for setting aside the letter dated 26.04.2011 issued by the respondent-Board whereby the request of the appellant-petitioner for correction of the date of birth in the matriculation certificate was rejected. It was pleaded that the correct date of birth is 06.07.1993 whereas due to inadvertence and clerical mistake which occurred in the college records where the appellant-petitioner was studying it was recorded as 06.07.1994.

2. Learned Single Judge dismissed the petition on the ground that if the school has provided a particular date of birth and that is also recorded in the CBSE certificate, there cannot be said to be any mismatch or an inference of mistake. In order to cut the controversy in short, we required the appellant-petitioner to produce any document which may certify his actual

date of birth. In pursuance thereof the certificate of birth issued by the Chandigarh Administration, Department of Health, has been produced before us which records the date of birth of the appellant-petitioner as 06.07.1993. It has been issued by the Registrar, Births & Death, Chandigarh on 12.10.1993.

3. Learned counsel appearing for the respondents and also the school do not dispute the correctness or the veracity of the document. It is thus admitted that the correct date of birth of the appellant-petitioner is 06.07.1993. That being so, in our considered opinion we are not required to go into the question as to at what stage and in which school where the petitioner has studied, on account of some accidental or a clerical error, a wrong date of birth has been recorded.

4. Since the date of birth of the appellant-petitioner is 06.07.1993, we hereby direct the respondents to correct the date of birth of the appellant-petitioner recorded in their records and to enter the same as 06.07.1993. This change may be carried out within a period of four weeks from today and thereafter a fresh certificate indicating the correct date of birth on surrender of the certificate issued to him earlier be issued to the appellant-petitioner. The original birth certificate after being produced in Court is being returned to the learned counsel for the appellant-petitioner. Accordingly, the judgment of the learned Single Judge stands set aside and the appeal stands allowed to the extent indicated above.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

04.12.2018

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Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√