

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.175 of 2017 (O&M)

Date of Decision: November 26, 2018

Karnail Singh

...Appellant

Versus

Board of School Education, Haryana, Bhiwani

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Ashok K. Sharma, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

Appellant-plaintiff has not been successful in seeking declaration and mandatory injunction for correction of his date of birth from 06.03.1991 as per secondary examination certificate to 10.08.1992.

It was alleged that the plaintiff had passed the secondary examination held in the month of November, 2011, whereas his date of birth has been mentioned as 06.03.1991. The aforementioned fact came to his notice only in the month of April, 2014 and, therefore, suit was filed.

In support of the aforementioned version, the plaintiff examined his father and himself and brought on record three documents, i.e., Ex.P1 secondary examination certificate, Ex.P2 birth certificate and Ex.P3 middle examination certificate.

Mr. Ashok K.Sharma, learned counsel appearing on behalf of the appellant-plaintiff submitted that in similar circumstances on a writ side, this court had disposed of the writ petition by considering the representation

of similarly situated persons by noticing the fact whether they had incurred any civil or criminal liability or not.

I am afraid, the aforementioned argument is not sustainable, for, here on the basis of the evidence brought on record, the plaintiff had not been able to give any explanation of not approaching the court within reasonable period. Even if his date of birth is 10.08.1992, no explanation has come forth despite having passed the secondary, matric and middle examinations. The findings of fact and law arrived at are based upon the ratio decidendi culled out in **Ambika Kaul Versus Central Board of Secondary Education and others**, LPA No.1613 of 2014 and 373 of 2015, decided on 21.05.2015, wherein it has been held that right to seek correction in the actual date of birth has to be exercised within three years of attaining the majority on the basis of the certificate issued by the Registrar of Births and Deaths.

I do not subscribe to the aforementioned argument to issue direction or interference in the concurrent findings of fact and law. No ground for interference is made out, much less involvement of any substantial question of law. Resultantly, the appeal is dismissed on the ground of limitation as well as on merit.

November 26, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No