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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 403/2017

MOHD SYED HAMMAD ALI

..... Appellant

Through: Mr.Ravi Kumar, Adv.

versus

CENTRAL BOARD OF SECONDARY EDUCATION & ORS

..... Respondent

Through: Mr.Atul Kumar, Adv. for R-1 & 2.

Mr.Digvijay Rai and Mr.Pulkit Tyagi,
Adv. for SDMC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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23.02.2018

The counsel for the CBSE has produced copies of the relevant records relating to the School into which the appellant had sought and was granted education i.e. National Public School on 8th July, 2004. The same is directed to be taken on record.

The petitioner had sought for a direction for correction of his date of birth from 27th June, 1994 to 27th June, 1992 contending that the school records erroneously reflected the date as 27th June, 1994, wherever his actual date of birth was 27th June, 1992.

The learned Single Judge rejected the writ petition on the ground that the change of date of birth in the record was not permissible and had relied upon a ruling of this Court.

After notice was issued, this Court had required the CBSE to obtain the necessary documents from the school; it had also directed the SDMC to produce the relevant records from the Registrar of Births and Deaths to ascertain the correct date of birth. The copies of

the school records produced before the Court today clearly show that in all the documents available with the National Public School, the date of birth of the petitioner was always disclosed as 27th June, 1992 (these records are in the nature of admission form dated 8th July, 2004); copy of the certificate of the National Union Territory of Delhi disclosing that the appellant was born on 27th June, 1992; and, the transfer certificate issued in favour of the appellant by Model Islamic Public School, Zakir Nagar, on 6th July, 2004 and the extract of admission and withdrawal register of National Public School. It is therefore evident that the correction of date of birth claimed by the appellant is warranted. Undoubtedly, there was a mistake in the pleadings, where the appellant had urged that the school records reflected 27th June, 1994 as the date of birth. The record, in fact, discloses otherwise; all the documents point to the petitioner's date of birth to be 27th June, 1992. In these circumstances, a direction is issued to the respondent/CBSE to amend its records appropriately and issue a correct certificate reflecting the appellant's correct date of birth as 27th June, 1992. The corrected certificate would be issued to the appellant within six weeks of his surrendering the original existing certificate to the CBSE.

The appeal is allowed in the above terms.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

FEBRUARY 23, 2018/rc