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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1961/2016**

ABHIRAJ S/O DR JITENDRA KUMAR SINGH Petitioner
Through: **Mr.Somanatha Padhan, Adv.**

versus

THE CENTRAL BOARD OF SECONDARY EDUCATION & ORS
..... Respondents

Through: **Mr.Atul Kumar, Adv. for R-1 & 2.**
Mr.Manish Kumar & Mr.Piyush
Kaushik, Adv. for R-3.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% 22.03.2018

Vide the present petition, the petitioner impugns order dated 23.06.2015 passed by respondent No.1 whereby the respondent No.1 has rejected the petitioner's request for changing his date of birth from 05.02.1995 to 05.02.1994 in the school records of respondent No.3.

Learned counsel for the petitioner draws my attention to letter dated 18.06.2014 to contend that respondent No.1 itself had after considering the letter issued by the Nagar Parishad, Saharsa, Bihar, directed the school authority i.e. respondent No.3 to make the said correction in the school record and thereafter send a letter to the respondent No.1 confirming that the correction has been duly carried out in the Admission and Withdrawal Register of the School. He

therefore, contends that once the respondent No.1 had after examining the relevant documents, not only agreed to but had also directed the respondent No.3-school to make the said correction, it is not open for respondent Nos.1 & 2 now to take a contrary stand and that too, without any justifiable reasons.

On the other hand, Mr.Atul Kumar, learned counsel for respondent No.1 submits that though, there is no doubt about the fact that respondent No.1 had written the letter dated 18.06.2014 directing the respondent No.3-school to make the necessary corrections in their Admission and Withdrawal Register but, keeping in view the amendment in the CBSE Bye-laws notified on 25.06.2015, which permits only a period of one year for correction in the date of birth, the impugned decision taken by respondent No.1 on 23.06.2015 is just and proper.

Having heard the learned counsel for the parties, I am of the considered opinion that in view of the admitted position, that the petitioner had submitted his application seeking correction in his date of birth, prior to the notification of the amended CBSE Bye-laws dated 25.06.2015 whereby the period for seeking correction in date of birth was reduced from 5 years to 1 year, the respondent No.1 could not rejected the petitioner's request on the ground of having been filed after the time period of 1 year as prescribed in the amended Bye-laws. In my view, the respondent No.1 has ignored the fact that since the petitioner's application had been made prior to 25.06.2015, it was incumbent upon the respondents to deal with the same in accordance, with the bye-laws as existing prior to 25.06.2015.

Accordingly, the writ petition is liable to succeed and impugned order dated 23.06.2015 passed by respondent No.1 is set aside. The petitioner is directed to submit his original Class-X mark-sheet and qualifying certificate to respondent No.2 within two weeks, who will carry out the necessary correction within four weeks thereafter issue the corrected certificate to the petitioner duly depicting his date of birth as 05.02.1994.

The petition is accordingly disposed of with the aforesaid directions.

REKHA PALLI, J

MARCH 22, 2018

gm