

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.15358 of 2019

Date of decision: 10.09.2019

Bhanu

...Petitioners

Versus

Central Board of Secondary Education and another ...Respondents

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Pardeep Kumar, Advocate for the petitioner.

Mr. Naveen Chopra, Advocate for respondent No.1.

B.S. WALIA, J. (Oral)

1. Prayer in the writ petition is for quashing of order Annexure P/6 dated 09.09.2018, rejecting the request of the petitioner for issuance of fresh secondary school examination certificate-2008 recording date of birth of the petitioner as '28.06.1991' instead of '28.06.1992' and petitioner's father name as 'Ramji Dass' instead of 'Ramjidas'.

2. Reply has been filed in Court on behalf of respondent No.1, taking up the plea that there is a delay of nine years in seeking correction in date of birth as against the limitation period of one year from the date of issuance of the qualifying certificate as per CBSE Bye Laws in force prior to the year 2015 and further that as per CBSE Bye Laws, application regarding change of name or surname can be entertained provided the changes have been admitted by a Court of law

and notified in the Government Gazette before the publication of the result of the candidate.

3. Interestingly in paragraph Nos.4 and 5 of the short reply filed on behalf of respondent No.1, it has been mentioned that the petitioner and her parents entered date of birth of the petitioner as 28.06.1991 (Annexure R/1) and 28.06.1991 in admission/withdrawal register of Pine Grove Public School/respondent No.2. Prayer of the petitioner on the basis of Annexure R/1 i.e. registration form filled up by the petitioner's parents at the time of admission records the date of birth of the petitioner as 28.06.1991 with the petitioner's father having signed on the form as 'Ramji Dass'. Likewise similar particulars are recorded in the admission and withdrawal register of the respondent school (Annexure R/2). On the basis of the documents i.e. Annexure R/1 and R/2, learned counsel for the petitioner contends that it is obvious that respondent-CBSE issued certificate Annexure R/2 for secondary school examination certificate-2008 recording incorrect details due to fault exclusively attributable to the respondent-CBSE and that in the circumstances, the writ petition be allowed with exemplary costs.

4. Faced with the aforementioned position, learned counsel for respondent-CBSE states that in view of the position as noted above, in case the petitioner surrenders the original secondary school examination certificate-2008 to respondent-CBSE, the respondent-CBSE would issue a fresh secondary school examination certificate-2008 reflecting the correct details qua the petitioner's date of birth and her father's name as per Annexure R/1 and R/2.

5. In the light of statement of learned counsel for respondent No.1-CBSE, the writ petition is disposed of by directing the petitioner to surrender the original secondary school examination certificate-2008 to the CBSE authorities within 15 days from the date of receipt of certified copy of this order, whereupon the respondent-CBSE would issue a fresh secondary school examination certificate-2008 reflecting the correct details of the petitioner’s date of birth as well as her father’s name as per Annexure R/1 and R/2, within two weeks thereafter.

(B.S. WALIA)
JUDGE

10.09.2019
rajesh.k.khurana

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| 1. Whether speaking/reasoned | : | Yes/No. |
| 2. Whether reportable | : | Yes/No. |