

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

CWP No.16845 of 2017 (O&M)
Date of decision:-07.05.2019

Nancy Sharma

.....Petitioner

versus

Board of School Education Haryana and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Ms. Anupam Bhanot, Advocate for the petitioner.

None for respondents.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner has filed the instant writ petition seeking a mandamus for directing respondents No.1 and 2 to carry out a correction as regards date of birth in the 10th and 12th class certificates issued by the Board of School Education, Haryana, Bhiwani and for the same to read as 23.07.1997 instead of 23.07.1996.

Notice of motion was issued in the writ petition on 31.07.2017.

In spite of service having been effected, no representation has been caused on behalf of the respondents.

In the light of the prayer made in the writ petition, this Court is constrained to proceed further in the matter.

Pleadings on record will show that the prayer seeking correction in the date of birth and for the same to read as 23.07.1997, is based upon a birth certificate issued by the Municipal Corporation, Chandigarh, under the provisions of the Registration of Births and Deaths Act 1969 at Annexure P-1.

Apparently, a request made by the petitioner to the school in question i.e Guru Nanak High School, Haryoli, Panchkula/respondent No.2, seeking correction and updation in the records, has not been entertained.

Needless to mention if there is a conflict between the date of birth recorded in the birth register and the school leaving certificate, it would always be the entry in the birth certificate issued by the Registrar of Births and Deaths that would prevail. It is only if the birth certificate is found to be unreliable or suspicious then the party concerned may be relegated to the Civil Court to get the requisite declaration.

In view of the above, instant writ petition is disposed of with a direction to respondent No.2 to consider the request of the petitioner for correction and updation of the school records as date of birth to read as 23.07.1997 based upon the birth certificate issued by the competent authority at Annexure P-1.

A final decision in this regard be taken by respondent No.2 and conveyed to the petitioner within a period of two weeks from the date of receipt of certified copy of this order.

Further observed that in the eventuality of respondent No.2 accepting the prayer/request of the petitioner and the necessary correction being carried out in the school records it would be open for the petitioner to carry the prayer further before respondent No.1.

Writ petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

07.05.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No