

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

**Sr. No.115**

**CR No.5269 of 2019 (O&M)**

**Date of decision: 30.08.2019**

Board of School Education, Haryana Bhiwani, District Bhiwani  
....Petitioner

versus

Pooja ....Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. Deepak Jindal, Advocate  
for the petitioner.

\* \* \*

**DEEPAK SIBAL, J. (Oral)**

The present petition is directed against the order dated 14.05.2019 passed by the Additional District Judge, Kaithal (for short – the Appellate Court) through which the respondent's appeal was allowed and resultantly, the order passed by the Civil Judge (Junior Division) Kaithal (for short – the Executing Court) was modified.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that the respondent had filed a suit seeking therein correction of the date of her birth, her name and her father's name in her matriculation certificate as also correction of her father's name in her senior secondary examination certificate. Such suit of hers was decreed on 06.12.2016. Resultantly, it was directed that in her matriculation certificate, her date of birth be changed from 05.06.1993 to 11.08.1995; her name be changed from Puja to Pooja and the name of her father from Makhan Singh to Makhan Lal. A further direction was issued to

correct the name of her father in her senior secondary examination certificate from Makhan Singh to Makhan Lal. Since no appeal was preferred against the aforesaid decree dated 06.12.2016, the same attained finality.

So far as the respondent's matriculation certificate was concerned, the petitioner-Board made the corrections therein. However, since on 27.11.2017, the respondent's senior secondary examination certificate was cancelled by the petitioner, no correction in the same with regard to the respondent's father name was made occasioning the filing of an application by the respondent before the Executing Court.

On 14.11.2018, the Executing Court dismissed the respondent's application as it was of the view that after the cancellation of the senior secondary examination certificate, the execution sought by the respondent had become unexecutable. The respondent filed an appeal against the aforesaid order which modified the order of the Executing Court to the extent that in the respondent's senior secondary examination certificate, as per the decree dated 06.12.2016, the petitioner would correct the respondent's father name. However, no opinion was expressed on the legality of the cancellation of such certificate. The order of the Appellate Court is under challenge in the present proceedings.

Learned counsel for the petitioner has been heard.

On 06.12.2016, the respondent's suit had been decreed as under:-

*“This suit is coming for final disposal before me (Yachana, Civil Judge (Junior Division), Kaithal) on this day in the presence of Sh. Manoj Saharan, counsel for the plaintiff and defendant already*

*exparte VOD 04.11.2016.*

*It is ordered that the suit of plaintiff succeeds and a decree for declaration is passed in favour of plaintiff to the effect that date of birth of plaintiff is 11.08.1995, name Pooja and her father name is Makhan Lal and a decree for mandatory injunction is passed in favour of plaintiff whereby defendant is directed to make necessary correction qua date of birth of plaintiff as 11.08.1995 instead of 05.06.1993 name Pooja instead of Puja and her father name as Makhan Lal instead of Makhan Singh in the matriculation certificate and only father name in senior secondary examination certificate and record pertaining to plaintiff with no order as to cost.”*

Through the afore-quoted decree dated 06.12.2016, the respondent's matriculation certificate was directed to be corrected by the petitioner with regard to her date of birth, her name and her father's name. So far as her senior secondary examination certificate was concerned, a direction was issued to the petitioner to make correction in the same with regard to her father's name from Makhan Singh to Makhan Lal.

As per the afore-quoted decree, corrections were made by the petitioner in the respondent's matriculation certificate. However, the respondent's father name was not corrected in her senior secondary examination certificate for the reason that on 27.11.2017, the senior secondary examination certificate itself was cancelled by the petitioner which cancellation had not been challenged by the respondent.

Only because the petitioner has cancelled the respondent's senior secondary examination certificate would not preclude them to make the necessary correction therein in terms of the afore-quoted decree dated

06.12.2016 as such decree was passed much prior to the order of

cancellation.

It is clarified that even after making of the above correction, since the respondent has not challenged the cancellation of her senior secondary examination certificate, such certificate of hers shall remain cancelled with effect from the original date of its cancellation i.e. 27.11.2017.

In view of the above, no error is found in the order of the Appellate Court directing the petitioner to make the necessary correction in the respondent's senior secondary examination certificate in terms of the afore-quoted decree dated 06.12.2016 especially when the Appellate Court has not commented on the legality of the cancellation of such certificate.

Dismissed.

**(DEEPAK SIBAL)**  
**JUDGE**

**August 30, 2019**  
*Jyoti 1*

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No