

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

RSA No.4027 of 2019 (O&M)

Date of decision: 16.10.2019

Central Board of Secondary Education and another ... Appellants

Versus

Kulbir Singh and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Beant Singh Seemar, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against concurrent findings recorded by the Courts whereby suit for declaration and mandatory injunction filed by the respondent/plaintiff was decreed by the trial Court vide judgment and decree dated 02.03.2016 that came to be affirmed in appeal by the District Judge, Jind.

Kulbir Singh son of Joginder filed the suit claiming that as per birth certificate Ex.P1, his date of birth is 27.02.1995, name Kulbir, father's name Joginder and mother's name Darshana but in his secondary education certificate Ex.P2, his date of birth is wrongly recorded as 25.03.1997, name Kulbir Singh, father's name Joginder Singh and mother's name Darshana Devi and the same is required to be corrected on the basis of birth certificate.

Counsel for the appellants would fairly inform that appellants have no grievance to express with regard to correction of date of birth of Kulbir, by relying upon Division Bench judgment of this Court **Ambika**

Kaul Vs Central Board of Secondary Education and others along with connected case, 2015(3) SCT 350.

The sole submission made by counsel for the appellants is that in **Ambika Kaul's case (supra)**, the only dispute pertains to correction of date of birth but the Courts have allowed correction of name of Kulbir, his father's name and mother's name by wrongly relying upon the ratio in **Ambika Kaul's case (supra)**.

I have heard counsel for the appellants, perused the paper book particularly the judgments impugned.

Perusal of Division Bench judgment in **Ambika Kaul's case (supra)** leaves no manner of doubt that by taking into consideration the provisions of Section 6 of the Limitation Act, it was held that it gives a right to the person suffering from legal disabilities including a minor to assert his right after cessation of such disability. The right to seek correction in the actual date of birth on the basis of certificate issued by the Registrar, Births and Deaths, is not free from doubt after long years on the basis of rule of estoppel but for the purposes of present appeals, we will assume that a person has a legal right to seek correction of his date of birth on attaining the majority. This observation of the Court can safely be applied even with regard to legal right of a person to seek correction of his name or/and his parents name on the basis of birth certificate after attaining majority. This apart, by way of proposed corrections, certain suffixes like 'Singh' in the name of Kulbir and his father's name

Joginder and 'Devi' in his mother's name were sought to be deleted. In this view of the matter, contention raised by counsel for the appellants is not meritorious and accordingly rejected.

No other point has been raised.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine.

16.10.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No