

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

CWP No.27626 of 2019
Date of decision: 08.11.2019

Navdeep Kaur ...Petitioner

Versus

Central Board of Secondary Education and another ...Respondents

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

Present: Mr. Vikram Singh Chahal, 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 the issuance of a writ of Certiorari for quashing communication Annexure P/11 dated 29.05.2017, rejecting the request of the petitioner for correction of her date of birth.

2. Brief facts of the case leading to the filing of the writ petition are that the petitioner's date of birth entered in the matriculation certificate Annexure P/5 dated 29.05.2007 was recorded as 02.11.1991, whereas her date of birth as recorded in birth certificate Annexure P/1 dated 15.01.1993 is 02.06.1991.

3. Prayer for correction has been opposed by learned counsel for respondent No.1 by relying on regulation 69.2 of the Examination

Bye-Laws framed by the Central Board of Secondary Education as corrected upto January, 2013, which prescribes a period of five years for making an application for correction in date of birth of a candidate in case of genuine clerical error etc. Learned counsel by relying on the decision of a Division Bench of Hon'ble the Delhi High Court in case titled as **Aditya Srivastava (minor) through guardian vs. CBSE and others 2017 SCC Online Delhi 6599**, contended that in the absence of challenge to the vires of bye-laws framed by the Central Board of Secondary Education, the writ petition is misconceived and is liable to be dismissed. Relevant extract of the decision in Aditya Srivastava's case (Supra) is reproduced as under :-

“12. Admittedly, the change of the appellant's name was notified in the Gazette on 05.12.2015 and the result of his All India Secondary School Examination (Xth Class) was declared on 28.05.2015. Since the change of the appellant's name has been carried out after the declaration of the result on 28.05.2015, his request for change of name in the school records and certificates was rejected in terms of the amended Rule 69.1(i). Having failed to challenge the vires of the amended Rule, it is not open to the appellant to contend that the amended Rule which disentitled the candidates to seek correction/change in the name within ten years is arbitrary and illegal.”

4. Faced with the aforementioned position, learned counsel for the petitioner prays for permission to withdraw the writ petition

with liberty to challenge validity of Examination Bye-Laws of the Central Board of Secondary Education.

5. In the light of the position as noted above, the writ petition is dismissed as withdrawn with the liberty to avail appropriate remedy in accordance with law.

(B.S. Walia)
Judge

08.11.2019
rajesh.k.khurana

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