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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 15.11.2019

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W.P.(C) 1479/2019

JYOTI

..... Petitioner

Through: Mr. Arpit Bhargava with Ms. Hina Bhargava and Mr. Anurag Sharma, Advs.

versus

CENTRAL BOARD OF SECONDARY
EDUCATION AND ANR.

..... Respondent

Through: Mr. Ashok Kumar with Mr. Ujjwal Goel, Advs. for R-1/CBSE.
Mr. Nirvikar Verma, Adv. for R-2/NDMC.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL)

1. The petitioner passed out from respondent No.2 school i.e. N.P. Co Ed. Sr. Sec School, Moti Bagh-1, New Delhi, (in short "school").

1.1. The school is affiliated to the Central Board of Secondary Education (in short "CBSE"). The petitioner seeks correction of her grade-X and grade-XII certificates to the extent indicated in paragraph 18 of the petition.

1.2. The corrections sought by the petitioner are put forth in a tabular format in paragraph 18 of the petition. For the sake of convenience, the table is extracted hereafter:

<i>“Particulars Name</i>	<i>Particulars at the time of admission</i>	<i>Desired changes as per documents submitted</i>
<i>Name of Candidate</i>	<i>Jyoti</i>	<i>Jyoti*</i>
<i>Father's name</i>	<i>Guru Dyal</i>	<i>Gurdayal</i>
<i>Mother's name</i>	<i>Pinki</i>	<i>Pinki Devi</i>
<i>D.O.B.</i>	<i>03.12.1996</i>	<i>13.12.1996”</i>

(*No change in petitioner's name is sought)

2. Admittedly, the school has addressed the grievance articulated by the petitioner and corrected its record. The petitioner, therefore, has no grievance, presently, insofar as the school is concerned.

2.1. The petitioner’s grievance is confined to the CBSE. The CBSE via the impugned order has declined to carry out the corrections in petitioner’s certificates issued *qua* grade-X and grade-XII. The impugned order is a format order, in a printed form and is dated 2.7.2018. The reasons for the impugned decision are ascertainable upon perusal of the endorsement made against each of the ticked boxes set out in the order.

“.... 2. It is to inform that the application cannot be considered due to the following ground(s):

☒ The desired correction in the name of the Candidate/Father/Mother/Guardian, as the case may be, is not consistent with the name concerned originally entered/recorded in the School records by the parents(s)/guardian(s) records by the parent(s)/guardian(s) at the time of admission to your School.

☒ The desired correction in date of Birth (DOB) of the candidate is not consistent with the DOB originally entered in the School records by the parent(s) guardian(s) at the time of admission to your school.

3. *Since the application in respect of the candidate does not hold the merit for consideration in conformity with the Rules prescribed by the Board for the purpose, therefore the request has not been consented to by the Competent Authority. ...”*

3. It is not in dispute that the petitioner passed her grade-X in 2012 and grade-XII in 2014.

4. The petitioner, it appears, upon noticing the discrepancies in her grade-X and grade-XII certificates, insofar as the names of her parents and the date of birth are concerned, made a representation to the school for the first time on 5.5.2015.

5. Since there was no response from the school, the petitioner, *albeit*, after considerable delay, made a second representation to the school on 27.3.2018.

5.1. This representation of the petitioner got a favourable response from the school and necessary corrections were carried out by the school on 28.3.2018.

6. The record shows that as a matter of fact, with the rejoinder filed on behalf of the petitioner, a letter dated 6.9.2019 has been appended.

7. This is a letter, which has been issued by the CBSE and is addressed to the school.

7.1. This letter, *inter alia*, informs the school that the desired "corrections/changes" in the names of the petitioner's parents have been carried out.

8. The CBSE has not assailed the veracity of this communication.

8.1. Therefore, to my mind, the controversy in the present petition is now confined only to the date of birth of the petitioner.

9. The grade-X and grade-XII certificates which are, presently, in possession of the petitioner show her date of birth as 3.12.1996, whereas, according to the petitioner, her correct date of birth is 13.12.1996.

10. In support of her contention that her correct date of birth is 13.12.1996, the petitioner has placed reliance on the birth certificate issued by NDMC under Section 17 of the Births and Deaths Act, 1969 and a “To Whomsoever It May Concern” certificate dated 26.08.2009 issued by school. This document is marked as Annexure P-6 and appended on page 39 of the paper book. This document, *inter alia*, states that as per the school record, the petitioner’s date of birth is 13.12.1996.

10.1. Besides this, the petitioner also relies upon the school leaving certificate issued to her, which is dated 14.5.2018. In this certificate, the petitioner’s date of birth is, *inter alia*, recorded as 13.12.1996. It is, therefore, the contention of the petitioner that this is a case of correction and not a change in the date of birth.

11. On the other hand, the CBSE resists the relief sought in the petition. Counsel for the CBSE submits that the list of candidates submitted by the school shows the particulars pertaining to the petitioner’s parents and the date of birth exactly the same way as they are given in grade-X and grade-XII certificates, presently, in possession of the petitioner.

11.1. Furthermore, counsel says that since the case does not relate to correction, but a change in particulars, the amended provisions of bye-law 69.2 would apply.

11.2. I must also indicate that the counsel for the CBSE tried to argue that even the change in the names of the parents could also not be brought about contrary to the contents of CBSE’s letter dated 06.09.2019. For the reasons

set out above, the objection taken by CBSE qua correction sought by the petitioner in her parent's name cannot be sustained in view of the stand taken by it in the letter dated 06.09.2019 that those corrections have been carried out.

12. Insofar as correction sought in date of birth is concerned, in my view, the petitioner's case falls under bye-law 69.3(B). For the sake of convenience, the same is extracted hereafter:

"69.3 (Correction in Date of Birth)

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B. Correction as per Courts Orders.

Applications regarding correction in date of birth of candidates will be considered provided the correction have been admitted by the Court of law in cases of correction in date of birth in documents after the court orders caption will be mentioned on the document "CORRECTION ALLOWED IN DATE OF BIRTH FROM _____ TO _____ ON (DATED) _____ AS PER COUR ORDER NO. _____ DATED _____."

12.1. It is evident that the school record contained the correct particulars as to the petitioner's date of birth. This emerges upon a perusal of the letter dated 26.8.2009. This letter was issued for the purpose recorded therein which, apparently was for the issuance of the caste certificate. This letter was issued much prior to the date on which the petitioner sat for grade-X exams.

12.2. Furthermore, the birth certificate issued by NDMC is consistent with the date of birth which finds mention in the school record.

12.3. It is quite possible that when the information was transmitted to the CBSE while forwarding the list of candidates, a mistake was made in entering the correct date of birth. To my mind, the petitioner cannot be held

responsible for this.

13. Thus, based on balance of probability, I am inclined to accept the version presented before me by the petitioner. Accordingly, the writ petition is allowed.

14. The petitioner will be issued grade-X and grade-XII certificates with correct particulars as extracted in para 18 of the petition hereinabove with regard to the parents' name as well as the date of birth in consonance with the extant amended Bye-laws. Needless to add, this exercise will be done expeditiously, though not later than six (6) weeks from the date of receipt of a copy of the order.

RAJIV SHAKDHER, J

NOVEMBER 15, 2019/pmc