

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 499 of 2020

Date of Decision: 12.05.2020

Central Board of Secondary Education

... Appellant(s)

Versus

Sahil

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. Kannan Malik, Advocate
for the appellant.

Anil Kshetarpal, J.

The defendant/appellant has filed the present regular second appeal against the concurrent findings of fact arrived at by both the Courts below. The dispute is with regard to correction of the date of birth as also in the names of father and mother.

The plaintiff/respondent claimed correction in the date of birth in the certificate issued on his passing Secondary Examination in May 2018. The plaintiff claims that the date of birth, recorded by the authorities under the Registration of Births and Deaths Act, 1969 (hereinafter referred to as “the 1969 Act”), is 07.05.2004, whereas the date of birth recorded in the Certificate of Secondary Examination is 15.02.2001. The plaintiff/respondent also claims that the correct name of his father is “Joginder” and not “Joginder Singh”, whereas the correct name of his mother is “Darshna” and not “Darshna Devi”.

The suit was instituted on 10.08.2018, whereas the secondary

examination took place in March/April, and the certificate was issued to him in May, 2018.

In the present case, it is not in dispute that the suit is within limitation and the plaintiff filed the suit when he was minor.

As far as correctness of the certificate issued by the authorities under the 1969 Act, identity of the plaintiff as also correctness in the names of his parents are not disputed.

This Court has heard learned counsel for the appellant-Central Board of Secondary Education and with his able assistance, gone through the judgements passed by both the Courts below.

Learned counsel for the appellant relies upon a judgement passed in ***Civil Writ Petition No. 25561 of 2014 (Shubham Attri v. C.B.S.E. and Others*** decided on **22.12.2014**), to contend that once the date of birth has been recorded in the school record, incorporated in the certificate issued by the Board, correction thereof could not be ordered by the Court.

This Court has considered the submission, however, find no substance therein. The judgement passed in the case of ***Shubham Attri*** (*supra*) has been over-ruled in ***Letters Patent Appeal No. 373 of 2015*** titled as ***Shubham Attri v. Central Board of Secondary Education and Others***, decided on **21.05.2015**.

In fact the main judgement was delivered in the case of ***Letters Patent Appeal No. 1613 of 2014 (Ambika Kaul v. Central Board of Secondary Education and Others*** decided on **21.05.2015**). The Hon'ble Division Bench, after considering various aspects of the case, found that before the Civil Court, the right to seek correction in the date of birth has to

be exercised within a period of three years. It has been held therein as under:

“45. The right to seek actual date of birth has to be exercised within three years of attaining the majority on the basis of the birth certificate issued by the Registrar of Births and Deaths. But, after expiry of period of three years from the cessation of disability, no person can rely upon the birth certificate. He is bound by the date given in the matriculation certificate. Therefore, in any case, the right of a person to seek actual date of birth on the basis of entry in the birth certificate by the Registrar of Births and Deaths is three years after attaining the majority on the basis of date of birth in the said certificate”.

Keeping in view the aforesaid facts, particularly when the suit was filed, the plaintiff/respondent was a minor, this court does not find any good ground to interfere with concurrent findings of fact. Hence, the appeal is dismissed.

(Anil Kshetarpal)
Judge

May 12, 2020
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No