

CWP No. 20279 of 2018

Date of Decision: January 30, 2020

Surajmal

.....Petitioner

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.S. Dhull, Advocate with
Mr. Sanjeev Majra, Advocate
for the petitioner

Mr. Naveen Chopra, Advocate
for respondents No. 2 and 3

Sudhir Mittal, J. (Oral)

Reply on behalf of respondents No. 2 and 3 has been filed in the Court today. The same is taken on record. A copy thereof has been supplied to learned counsel for the petitioner.

The petitioner seeks correction of his date of birth and father's name in the secondary school examination certificate.

Learned counsel for the petitioner submits that the date of birth recorded in the secondary school examination certificate is 01.11.2000 whereas infact his date of birth is 01.11.1999 as is evident from the birth certificate (Annexure P-2) and Aadhar Card. The secondary school examination certificate is dated 03.06.2017 and application seeking correction is dated 07.03.2018, thus, the application is bonafide and correction may be ordered.

Learned counsel for respondents No. 2 and 3 submits that the petitioner and his mother had certified the correctness of the father's name and date

of birth of the petitioner while submitting the details required to be submitted before the conduct of the secondary school examination. Thus, there is no error on the part of respondents No. 2 and 3 and only clerical mistakes are liable to be corrected.

From the record, it is apparent that the date of birth certificate of the petitioner was issued on 09.10.2012. The secondary school examination certificate is dated 03.06.2017, thus, the birth certificate is five years prior in point of time. The same date of birth has been recorded in Aadhar Card also, which corroborates date of birth in the birth certificate. Thus, it is apparent that a wrong entry of date of birth has been recorded in the secondary school examination certificate. The error appears to be bonafide and is liable to be corrected. Merely because the petitioner and his mother had certified wrong particulars as correct, it would not estop the petitioner from seeking correction. The principle of estoppel can not be attracted in such like cases.

The writ petition is accordingly, allowed. Respondents No. 2 and 3 are directed to make necessary corrections in the secondary school examination certificate and subsequent records and issue correct secondary school examination certificate within eight weeks from the date of receipt of certified copy of this order.

January 30, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No