

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

123

CWP No.8569 of 2021

Date of Decision: 20.04.2021

Salinder Kumar

....Petitioner

VERSUS

State of Haryana and others

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. R.S. Mamli, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

This is a civil writ petition under Articles 226 and 227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to change the date of birth of the petitioner from 02.08.1970 to 02.01.1973.

The facts as set out are that the petitioner was born on 02.01.1973 as per entry in the register of *Chowkidar*, copy of which has been appended with the petition as Annexure P-1. It is further the case that the parents of the petitioner are illiterate and had wrongly mentioned his date of birth as 02.08.1970 in the school register whereas his actual date of birth is 02.01.1973. In this regard, the petitioner approached the respondents by serving a legal notice dated 01.03.2021 (Annexure P-5). Respondent no. 4 - Principal, Government Senior Secondary School, Pehowa, District Kurukshetra - on 17.03.2021 passed a totally cryptic and non-speaking order wherein it has been stated that "If the Hon'ble High Court is directing to

correct the date of birth of the employee as per Civil Surgeon, Kurukshetra certificate, the School has no objection for the same”.

Learned counsel for the petitioner would contend that the order passed by respondent no.4 is totally cryptic and a non-speaking order and there is no decision taken by respondent no.4 on the legal notice dated 01.03.2021 (Annexure P-5).

Notice of motion.

On the asking of the Court, Ms. Upasana Dhawan, AAG, Haryana, who has joined the session through video conferencing, accepts notice on behalf of the respondents.

Without commenting on the merits of the case and in view of the fact that a totally cryptic and non-speaking order has been passed by respondent no.4, the present petition is disposed off with a direction to respondent no.4 - Principal, Government Senior Secondary School, Pehowa, District Kurukshetra - to pass a speaking order, in accordance with law, within a period of three months from the date of receipt of certified copy of this order.

Disposed off accordingly.

**(ALKA SARIN)
JUDGE**

**20th April, 2021
jk**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO