

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208 - CWP-19580-2020 (O&M)

Date of Decision: 19.04.2021

Rajinder Kumar

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Ms. Kavita Arora, Advocate for the petitioner

Mr. Arun Kaundal, DAG Punjab

Mr. Ashish Verma, Advocate for respondent No.2

GIRISH AGNIHOTRI, J. (Oral)

Petitioner Rajinder Kumar has filed the present writ petition *inter alia* praying for a direction to respondents No.2&3 to correct the date of birth entry of the petitioner in the Matriculation certificate.

Record shows that vide order dated 18.11.2020, this Court had issued notice of motion and had passed the following order:-

“The petitioner is about 37 years of age and is seeking direction to respondent No.2- Punjab School Education Board to change his date of birth from 08.08.1980 to 10.11.1983 on the basis of birth certificate issued by the Chief Registrar (Birth & death), Health & Family Welfare Department, Government of Punjab. He is working as S.S. Master in private school.

*Learned counsel for the petitioner has referred to a Division Bench judgment passed in **Resham Singh V/s. Union of India** decided on 06.11.2007 (Annexure P-8) to contend that if there is a conflict between the date of birth recorded in birth certificate and entry of birth in school leaving*

certificate, then entry in birth certificate recorded by Registrar of Births and Deaths would be given preference.

Notice of motion.

Mr. Suveer Sheokand, Additional Advocate General, Punjab accepts notice on behalf of respondents No. 1, 3 and 4 and Mr. Jagmohan puts in appearance on behalf of respondent No.2.

Learned counsel for the State seeks time to consider the applications of the petitioner and file reply thereafter.

List on 28.01.2021.”

Thereafter, vide order dated 28.01.2021, this Court further ordered as under:-

“Learned counsel for respondent No. 2 states that petitioner can make application on the official website and thereafter, necessary changes will be made by the department.

List on 11.02.2021 to enable learned counsel for the petitioner to inform the petitioner to make an application on the official website to change his date of birth.”

Today, on the resumed hearing of the case, counsel for respondent No.2 prays for further time to file reply.

At this stage, learned counsel for the petitioner submits that she would be satisfied in case the respondents are directed to decide the claim of the petitioner i.e. for correction in the date of birth entry of the petitioner in Matriculation certificate issued by Punjab School Education Board based upon the application submitted in pursuance to the order dated 28.01.2021 within a time bound frame. She further submits that her case also gets support from the judgment dated 06.11.2007 passed in **CWP No.13722 of 2007 (Resham Singh vs. Union of India & Anr.)** (P8).

Without commenting upon the merits of the case, the writ petition is disposed of with a direction to the competent authority to decide the claim of the petitioner as aforementioned and also the application(s) submitted in pursuance to the order dated 28.01.2021, by passing a speaking order within a period of one month from the date of receipt of certified copy of this order.

It is further directed that in case the petitioner's claim is accepted, necessary changes *re.* date of birth be effected within one month from the date of passing of the speaking order by the respondents.

Disposed of.

19.04.2021

Vvishal

(Girish Agnihotri)
Judge

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No