

CWP-263-2021

Date of Decision: 26.07.2022

Balraj

....Petitioner

VS

Board of School Education Haryana, Bhiwani through its Secretary

....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Arvind Seth, Advocate
for the petitioner

Mr. Viresh Dahiya, Advocate for
Mr. Deepak Balyan, Advocate
for the respondent

SUDHIR MITTAL, J. (Oral)

The petitioner applied for correction of his date of birth in the Class X certificate in the year 2020. He passed Class X examination in the year 2012 and the application for correction was made on the basis of date of birth certificate, according to which the date of birth was registered in the year 1993. The request has been rejected vide order dated 25.11.2020 on the ground that the application was made beyond the period of limitation, the same being one year from the date of issuance of certificate.

Learned counsel for the petitioner has submitted that birth certificate is a public document and that it evidences the correct date of birth. No period of limitation is laid down in the relevant rules of the Board and, thus, the impugned order dated 25.11.2020 deserves to be quashed.

Learned counsel for the Board submits that the rules pertaining to correction in date of birth prescribe for the period of limitation of one year. The Supreme Court has upheld such a provision in *Jigyva Yadav (Minor) (Through*

Guardian/Father Hari Singh) vs. C.B.S.E. (Central Board of Secondary

Education) and others, 2021(7) SCC 535 and, thus, there is no error in the impugned order. A copy of the relevant rules has been supplied by learned counsel for the Board during the course of arguments.

A perusal thereof shows that there is no provision for change in date of birth. A change is permissible in the matriculation certificate within a span of five years based upon middle class certificate issued by the Board, in a case where the student has passed the middle class from a school affiliated to the Board. Otherwise correction can only be done if there is an error in transferring the record from one register to another by the concerned school and for this purpose the candidate has the onus of producing the relevant record in original.

It is, thus, evident that no period of limitation is provided in a case such as the present one. Thus, the submission of learned counsel for the respondent-Board is liable to be rejected.

The writ petition is allowed. Respondent-Board is directed to issue a fresh certificate to the petitioner with corrected date of birth within four weeks from the date of receipt of certified copy of this order.

26.07.2022

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**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No