

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**C.M.No.19743-CWP-2022 in/and
CWP No.20372 of 2022 (O&M)**

Reserved on 12.12.2022

Date of Decision:- 15.12.2022

Chaman Gill

....Petitioner

vs.

State of Haryana and others

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr.Rishi Pal Singh, Advocate,
for the applicant-petitioner.

Sudhir Mittal, J.

The petitioner has approached this Court for correction of date of birth in the Middle school and Secondary school certificates. The Middle school examination was passed by him in 2003, the date mentioned on the certificate being 02.07.2003. The Secondary School Certificate is dated 05.05.2005. Application submitted to the Board of School Education Haryana (hereinafter referred to as 'the Board') is dated 15.03.2022. The reason given for the correction is to bring it in conformity with the Birth Certificate, Aadhar Card and Passport and because the petitioner wishes to pursue courses abroad having special knowledge of the French language. No action has been taken upon the said representation and, thus, the present write petition has been filed.

Learned counsel for the petitioner has submitted that refusal to take action upon the representation submitted is illegal and violative of the judgment of the Supreme Court in *Jigyada Yadav vs. CBSE and others*, 2021 (7) SCC 535. His submission is that the public documents like Birth Certificate, Aadhar Card and Passport clearly show the correct date of birth and accordingly, that mentioned in the school certificates be corrected.

In *Jigya Yadav (supra)*, a three Judges Bench of the Supreme Court has held that bye-laws in existence on the date of the publication of the result would apply to the case of the student seeking correction. The right would, however, be governed by a reasonable period of limitation which could be the period mentioned in the bye-laws and in its absence the period for which the Board is required to preserve the record.

Relevant bye-laws of the years 2003-2005 have not been placed on record. The application for correction has admittedly been filed after a period of 17 years from the passing of the Secondary School examination. Even though the relevant bye-laws have not been placed on record, the limitation, if prescribed therein, could not be more than 5 to 8 years because such limitation is normally prescribed in other similar bye-laws. A period of 17 years having elapsed, the application would also be barred by delay and laches. A mere averment that the petitioner is desirous of pursuing higher studies abroad is not sufficient as *prima facie* proof of the said desire has also not been placed on record. If the petitioner was really serious about pursuing higher studies abroad, the alleged error in the school certificates would have come to light after he completed his post-graduation which could not be later than the year 2012 and the delay would not have been as much. Thus, not only is the application belated, it is also frivolous as no valid reason for the correction has been mentioned.

The petitioner is not entitled to any relief. The writ petition is accordingly dismissed.

December 15, 2022

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Whether Speaking/Reasoned

Whether Reportable

(SUDHIR MITTAL)

JUDGE

Yes/No

Yes/No

**112 C.M.No.19743-CWP-2022 in/and
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Chaman Gill vs. State of Haryana and others

Present:- Mr.Rishi Pal Singh, Advocate,
 for the applicant-petitioner.

C.M.No.19743-CWP-2022

 This is an application for placing on record Annexures P-7 to P-
14.

 Application is allowed. Annexures P-7 to p-14 are taken on
record.

CWP No.20372 of 2022

 Arguments heard.

 Judgement reserved.

**December 12, 2022
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**(SUDHIR MITTAL)
JUDGE**