

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH

249

CWP No.12401 of 2018
Date of Decision: 02.02.2023

Arvind Kumar

..... Petitioner

Versus

Board of School Education Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Arav Gupta, Advocate
for the petitioner.

None for respondent No.1.

Mr. Vishal Garg, Advocate
for respondent No.2.

VIKAS BAHL, J (ORAL)

This is a civil writ petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of the letter dated 15.09.2017 (Annexure P-4) issued by respondent No.1 whereby request of the petitioner for correction in date of birth in the certificate of qualification and marks sheet of secondary education, has been rejected.

Learned counsel for the petitioner has submitted that the actual date of birth of the petitioner as per the birth certificate (Annexure P-1) is 29.06.1995 and the same is also shown as date of birth in the Voter ID Card (Annexure P-6), but however, inadvertently, the date of birth of the petitioner has been mentioned as 20.10.1997 in the certificate (Annexure P-2).

Learned counsel for the petitioner has further submitted that the

impugned order has been passed on 15.09.2017 and after the said date, the entire issue with respect to changes/corrections to be made in the certificate issued by the Central Board of Secondary Education has been adjudicated upon by the Hon'ble Supreme Court in a detailed judgment passed in case titled as 'Jigyaa Yadav (minor) (through Guardian/father Hari Singh) Vs. CBSE (Central Board of Secondary Education) and others' and other connected matters reported as 2021(7) SCC 535 by a three Judge Bench of the Hon'ble Supreme Court and has further submitted that the parameters of law as laid down by the Hon'ble Supreme Court in the aforesaid judgment would also apply to the respondent No.1-Board and has prayed that the petitioner be permitted to file representation keeping in view the parameters laid down in the above said judgment and prays that the respondents be directed to consider the said representation and pass a speaking order within a period of four weeks from the date the said representation is received by the respondents.

Learned counsel for the petitioner has further submitted that in the present case, the petitioner is not taking any benefit in service or any other age benefit and the change is only required to set the record correct. It is further submitted that the fact that the date of birth which has been mentioned in the certificate (Annexure P-2) is incorrect is apparent from the fact that the younger brother of the petitioner was born on 22.07.1997 and in case the date of birth of the petitioner is not changed from 20.10.1997 to his actual date of birth i.e. 29.06.1995, then the petitioner and his brother would suffer irreparable loss. It is submitted that apart from the law laid down by the Hon'ble Supreme Court, the said facts also be considered by respondent No.1. He further submitted that the order dated 15.09.2017 (Annexure P-4)

Court which could not be considered in the impugned order as the said order was passed prior to the passing of the said judgment of the Hon'ble Supreme Court.

Notice of motion was issued but none has appeared on behalf of respondent No.1 since the last several dates.

Learned counsel for respondent No.2 has submitted that as per the record in the office of Sub-Registrar (Birth), Hansi, District Hisar, the date of birth of the petitioner is 29.06.1995 and they have no objection to the above said course of action.

Keeping in view the above facts and circumstances of the case, the order dated 15.09.2017 (Annexure P-4) is set aside and the present petition is disposed of in the following terms:-

- 1) The petitioner is granted liberty to file a detailed representation and annex all the documents in light of the judgment passed by the Hon'ble Supreme court in ***Jigya Yadav (minor)'s case*** (Supra).
- 2) The respondents are directed to decide the said representation as expeditiously as possible preferably within a period of four weeks from the date of receipt of the said representation, in accordance with law.

02.02.2023
D.Bansal

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No