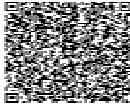


IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2024:PHHC:110147-DB



Civil Writ Petition No. 1016 of 2024 (O&M)

Date of Decision: 27.08.2024

Baljit KaurPetitioner

versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL, JUDGE

Present : Mr. Dinesh Nagar, Advocate, for the petitioner.

Mr. Anupam Singla, Advocate, for respondent-
Punjab School Education Board.

Mr. Saurav Khurana, Addl. Advocate General, Punjab.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The grievance of the petitioner is with regard to change of her date of birth in 10th class mark-sheet issued by Punjab School Education Board, SAS Nagar, Mohali, Punjab.
2. Undisputed facts are that the petitioner had passed her 10th class examination conducted by Punjab School Education Board in the year 2010 wherein her date of birth was recorded as 11.04.1995 and now she is claiming her date of birth as 11.07.1995 on the basis of birth certificate etc.
3. The objection raised by the respondent-Board is that in terms of the amended executive instructions dated 21.11.2022, the prayer for change of date of birth can be made within three years of attaining the age of majority. It is not disputed at the Bar that petitioner attained the age of majority in 2013 and the application for change of date of birth mentioned in 10th class mark-sheet, was made in the year 2023 after nearly 10 years.

4. The Apex Court in ***Jigyada Yadav (minor) (through guardian/father Hari Singh) versus Central Board of Secondary Education and others (2021) 7 Supreme Court Cases 535***, laid down guidelines for governing the process of consideration of an application for change of date of birth in 10th class mark-sheet, which inter-alia, provides thus:-

“ 193. The first is where the incumbent wants “correction” in the certificate issued by the CBSE to be made consistent with the particulars mentioned in the school records.

193.1 As we have held there is no reason for the CBSE to turn down such request or attach any precondition except reasonable period of limitation and keeping in mind the period for which the CBSE has to maintain its record under the extant regulations. While doing so, it can certainly insist for compliance of other conditions by the incumbent, such as, to file sworn affidavit making necessary declaration and to indemnify the CBSE from any claim against it by third party because of such correction. The CBSE would be justified in insisting for surrender/return of the original certificate (or duplicate original certificate, as the case may be) issued by it for replacing it with the fresh certificate to be issued after carrying out necessary corrections with caption/annotation against the changes carried out and the date of such correction. It may retain the original entries as it is except in respect of correction of name effected in exercise of right to be forgotten. The fresh certificate may also contain disclaimer that the CBSE cannot be held responsible for the genuineness of the school records produced by the incumbent in support of the request to record correction in the original CBSE certificate. The CBSE can also insist for reasonable prescribed fees to be paid by the incumbent in lieu of administrative expenses for issuing fresh certificate.

193.2 At the same time, the CBSE cannot impose precondition of applying for correction consistent with the school records only before publication of results. Such a condition, as we have held, would be unreasonable and excessive. We repeat that if the application for recording correction is based on the school records as it obtained at the time of publication of results and issue of certificate by the CBSE, it will be open to CBSE to provide for reasonable limitation period within which the application for recording correction in certificate issued by it may be entertained by it. However, if the request for recording change is based on changed school records post the publication of results and issue of certificate by the CBSE, the candidate would be entitled to apply for recording such a change within the reasonable limitation period prescribed by the CBSE. In this situation, the candidate cannot claim that she had no knowledge about the change recorded in the school records because such a change would occur obviously at her instance. If she makes such application for correction of the school records, she is expected to apply to the CBSE immediately after the school records are modified and which ought to be done within a reasonable time.....(emphasis supplied)”.

From the above, it is evident that Punjab School Education Board vested with the power to prescribe the period of limitation within which the application for correction of date of birth can be made.

5. Learned counsel for the respondent-Board submits that the period of limitation is three years from the date of attaining the age of majority prescribed by the Board as held by a Division Bench of this Court in *Ambika Kaul vs. Central Board of Secondary Education and others 2015(3) SCT 350*.

6. In view of the above, the impugned decision of the respondent-Board rejecting petitioner’s claim on the ground of being barred by limitation cannot be found fault with. However, the remedy of approaching the Civil Court is always open to the petitioner subject to law of limitation.

7. With the aforesaid liberty, the petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

27.08.2024

ravinder sharma

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√