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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-30912-2024

Date of decision: 18.11.2024

SUNITA DEVI

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

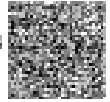
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Davinder Singh, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to correct the date of birth of the petitioner on her educational certificates with a further prayer to quash the judgment dated 06.04.2024 (Annexure P-3) passed by the learned Additional Civil Judge (Senior Division), Fatehabad.

2. Learned counsel for the petitioner argued that the correct date of birth of the petitioner was 16.07.1991 as recorded in her birth certificate but it was incorrectly entered as 05.05.1989 in her Middle Standard and Secondary Examination Certificates issued by the Board of School Education, Bhiwani. He further submitted that the petitioner filed a civil suit for declaration and mandatory injunction in the Court of learned Additional Civil Judge (Senior



Division), Fatehabad, which was dismissed on 06.04.2024 vide Annexure P-3. He further submitted that the date of birth of the petitioner was wrongly entered, which is required to be corrected on the basis of her Birth Certificate and therefore, directions are being sought for issuance of a writ in the nature of *certiorari* for quashing of the judgment dated 06.04.2024 (Annexure P-3) passed by the Additional Civil Judge (Senior Division), Fatehabad and also a writ in the nature of *mandamus* for directing the respondents to correct the date of birth on the educational certificates of the petitioner.

3. I have heard the learned counsel for the petitioner.

4. The petitioner filed a civil suit for declaration and mandatory injunction, which was dismissed by the learned Additional Civil Judge (Senior Division), Fatehabad vide Annexure P-3 on 06.04.2024. The petitioner did not file any appeal against the aforesaid judgment passed by the learned Additional Civil Judge (Senior Division), Fatehabad and instead filed the present writ petition seeking a writ in the nature of *certiorari* for quashing of the aforesaid judicial order passed by the learned Additional Civil Judge (Senior Division), Fatehabad.

5. The law in this regard is well settled. Hon'ble Supreme Court in **Radhey Shyam and another versus Chhabi Nath and others, 2015 (5) SCC 423** observed that such kind of writ petition seeking issuance of a writ in the nature of *certiorari* would not be maintainable against a judicial order because writ in the nature of *certiorari* would be maintainable only against either a quasi judicial order or an administrative order. The petitioner instead of availing the remedy of filing an appeal against the aforesaid judgment passed by the learned



Additional Civil Judge (Senior Division), Fatehabad chose to file the present writ petition seeking issuance of a writ in the nature of *certiorari*, which is not maintainable.

6. Since writ of *certiorari* is not maintainable and the petitioner has chosen not to avail the remedy of filing an appeal, writ of *mandamus* will also not lie in the present case.

7. In view of the aforesaid position, the present writ petition is dismissed.

18.11.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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