



2024:DHC:3214



\$~108

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 13830/2023**

PRIYANSHI PATHAK

..... Petitioner

Through: **Mr. Akshat Gupta, Adv**

versus

MAHARAJA AGRASEN MODEL SCHOOL & ANR.

..... Respondents

Through: **Mr. Yogesh Kumar, Advocate,**
for Respondent 1

Mr. Sanjay Khanna, Ms. Pragya Bhushan,
Mr. Karandeep Singh and Mr. Tarandeep
Singh, Advocates, for CBSE.

Mr. Kartik Kaushal, Standing Counsel for
MCD

Mr. Gaurav Dhingra, Adv with Mr.
Shashank Singh, Advs. for R-3

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

J U D G M E N T (O R A L)

%

23.04.2024

1. Though the prayer clause in this writ petition seeks correction of the date of birth and the name of the petitioner's father, as recorded in the records of the Respondent 1 school, Mr. Akshat Gupta, learned Counsel for the petitioner, submits that the grievance survives only with respect to the date of birth.

2. The petitioner's case is that her date of birth is 26 May 2008 whereas, in the school records, the date of birth is recorded as 26 March 2008.

Signature Not Verified

Digitally Signed By: AHT
KUMAR
Signing Date: 24.04.2024
17:20:38

WP(C) 13830/2023

Signature Not Verified

Digitally Signed
By: CHANDRASHEKHARAN
HARI SHANKAR
Signing Date: 24.04.2024
17:19:17



2024:DHC:3214



3. The representations of the petitioner to the respondent-school have been rejected by the school on the ground that the date of birth 26 March 2008 was entered in the records on the basis of an affidavit dated 11 January 2011 submitted by the petitioner's father at the time of seeking admission of the petitioner to the Respondent 1 school. The petitioner has approached this Court, seeking a mandamus directing the respondent-school to correct her date of birth.

4. The affidavit submitted by the petitioner's father at the time of obtaining admission for the petitioner in the respondent-school reads thus:

“Affidavit

Affidavit of Sh. R.K. Pathak, S/o Late Sh. D.P. Sharma, R/o CD-195, Pitampura, Delhi-110034, I do hereby solemnly affirm and declare as under:-

1. That the deponent is permanently residing at above mentioned address.
2. That my daughter namely Priyanshi *and her date of birth is 26.03.2008 (26th Day of March 2008). She was born at home.*
3. That the said daughter's mother name is Chitra alias Gayatri Pathak.
4. That it is my true statement.

Dated:11.01.2011

Sd/-
Deponent

Verification:

Verified at Delhi that the contents of this affidavit are correct & true to the best of my knowledge and belief.

Sd/-
Deponent”

Signature Not Verified

Digitally Signed By: AHT
KUMAR WP(C) 13830/2023
Signing Date: 24.04.2024
17:20:38

Signature Not Verified

Digitally Signed
By: CHANDRASHEKHARAN
HARI SHANKAR
Signing Date: 24.04.2024
17:19:17



2024:DHC:3214



(Emphasis supplied)

5. The petitioner now seeks correction in the date of birth on the basis of the birth certificate of the petitioner and certain other public documents which record the date of birth of the petitioner as 26 May 2008.

6. Mr. Yogesh Kumar, learned Counsel for the respondent-school and Mr. Khanna, learned Counsel for the CBSE, submit that, as the petitioner's father was literate and that having stated on affidavit, that the petitioner was born on 26 March 2008, the petitioner cannot, twelve years thereafter, seek a change of date of birth to 26 May 2008.

7. The submission has merit.

8. Moreover, and perhaps most significantly, learned Counsel points out that if the petitioner was indeed born on 26 May 2008, the petitioner would have been underage at the time of admission to the respondent-school.

9. This second objection, in my view, is sufficient to dismiss the writ petition. The petitioner's father obviously entered the date of 26 March 2008 in order to obtain admission of the petitioner to the respondent-school by stating petitioner to be over three years of age on 31 March 2011, which was the cut-off date for obtaining admission to the respondent-school.

10. Having thus obtained admission on the basis of a statement on

Signature Not Verified

Digitally Signed By: AHT
KUMAR
Signing Date: 24.04.2024
17:20:38

WP(C) 13830/2023

Page 3 of 4

Signature Not Verified

Digitally Signed
By: CHANDRASHEKHARAN
HARI SHANKAR
Signing Date: 24.04.2024
17:19:17



2024:DHC:3214



affidavit that the petitioner was born on 26 March 2008 and, on the basis of the said statement, having enjoyed the facility of obtaining education from the respondent-school for twelve years, this Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, is completely unwilling to allow the petitioner to now seek correction in the date of birth as recorded in the school records.

11. Moreover, it is also noticed that the birth certificate on which the petitioner seeks to place reliance *was issued on 14 July 2022*, and not contemporaneously with the petitioner's birth. It is worthwhile to note that, while the affidavit filed by the petitioner's father at the time of obtaining admission of the petitioner to the Respondent 1 school stated that the petitioner was born at home, the birth certificate seems to indicate that the petitioner was born at the Navdurga Medicare Hospital. Thus, even the veracity and the acceptability of the birth certificate becomes open to dispute.

12. This writ petition is, therefore, an unwholesome exercise in adventurism, with borders on misuse of the process of court. While the petition can appropriately invite costs, I refrain from doing so.

13. The petition is accordingly dismissed.

C. HARI SHANKAR, J

APRIL 23, 2024

dsm

[Click here to check corrigendum, if any](#)

Signature Not Verified

Digitally Signed By: AHT
KUMAR WP(C) 13830/2023
Signing Date: 24.04.2024
17:20:38

Signature Not Verified

Digitally Signed
By: CHANDRASHEKHARAN
HARI SHANKAR
Signing Date: 24.04.2024
17:19:17