



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-13734-2025
Decided On: 15.07.2025

D. A. V. COLLEGE MANAGING COMMITTEE AND ANOTHER
....PETITIONER(s)

Versus

DISTRICT AND SESSIONS JUDGE, BHIWANI AND OTHERS
....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Rajdeep Singh Cheema, Advocate for the petitioners.

Mr. Parveen Mehta, Deputy Advocate General, Haryana.

Mr. Ajit Singh, Advocate and Mr. Himanshu Verma, Advocate
for respondent no.2.

TRIBHUVAN DAHIYAJ.(Oral)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the judgment dated 28.04.2025, Annexure P-1, passed by District and Sessions Judge-cum-Educational Tribunal, Bhiwani, directing the petitioners/Management to make correction of the second respondent's date of birth in the service record from 03.04.1965 to 18.11.1969, in view of Civil Court decree dated 07.08.2024, passed in Civil Suit no. CS-1020-2021 titled *Sunil Kumar v. Board of School Education Haryana, Bhiwani and another*.

2. As per facts apparent on record, the second respondent joined as Primary Teacher with the Management on 10.07.2000, and was later appointed as Music Teacher on the basis of the qualification possessed by him. During a family function in September, 2019, he came to know from his family members that his date of birth had been incorrectly recorded in his matriculation certificate. On visiting the concerned hospital where he was



born, it came to notice that his actual date of birth was 18.11.1969, instead of 03.04.1965, as recorded in the matriculation certificate. Therefore, he filed the aforementioned suit for declaration to the effect that his actual date of birth was 18.11.1969, which was wrongly mentioned in his matriculation certificate as 03.04.1965. The suit was decreed by the trial Court vide judgment and decree dated 07.08.2024, declaring 18.11.1969 as the actual date of birth, and consequently holding him entitled to get it corrected in his educational certificates. Complying with the decree his date of birth in the matriculation certificate was corrected by the third respondent/Board of School Education. On that basis, the Management was requested to correct his date of birth in his service record also, which was rejected by them vide order dated 25.02.2025. This led to the second respondent filing an appeal before the Tribunal challenging the order of rejection. The appeal was allowed vide impugned order dated 28.04.2025, directing the Management to correct his date of birth in the service record.

3. In this factual background, learned counsel for the petitioners/Management contended that the civil suit decree is not applicable on the Management as it was not a party to the civil suit. The petitioner's date of birth has been rightly recorded in the service record which cannot be changed at the fag end of his career. All the documents/certificates submitted by him at the time of joining service recorded his date of birth as 03.04.1965, which has to be considered binding.

4. *Per contra*, learned counsel for the second respondent has contended that he is entitled to seek correction of date of birth on the basis of civil suit decree. The second respondent adopted the lawful mode to get the record of his date of birth corrected, and his claim has been accepted by the



Court by decreeing his suit. Learned counsel also submits that the Management was not made a party to the civil suit as no relief had been sought against it; it was not a necessary party. Besides, the petitioners/Management never challenged the decree in question.

5. Heard.

6. It remains undisputed that the suit for declaration filed by the second respondent seeking correction of his date of birth in the educational certificates, stands decreed by the trial Court vide judgment and decree dated 07.08.2024. As per settled law, a decree of the Court has to be given effect to unless set aside. The decree in question has attained finality, and was never challenged by the Management. It has been enforced as well, since the Board of School Education has already carried out correction in the second respondent's matriculation certificate in terms thereof by mentioning his date of birth as 18.11.1969. And his service record is based upon the matriculation certificate. Therefore, the Management is not entitled to refuse the correction of date of birth in the service record. The issue was raised before the Tribunal as well which was rejected with the following observations:

9. ...The plea of respondents No.1 and 2 that since they were not parties in the aforesaid Civil suit and therefore, they are not bound by the aforesaid judgment and decree dated 07.08.2024 to change the date of birth of the appellant in his service record from 03.04.1965 to 18.11.1969, has no substance. The finding of the learned Civil Court passed in judgment and decree dated 07.08.2024 has attained finality since it has not been challenged before any Appellate Court and merely the fact that respondents No.1 and 2 were not parties in the said Civil suit, the same is no ground to deny the necessary correction in the date of birth of the appellant from 03.04.1965 to 18.11.1969 in his service record. The judgment and decree passed by Civil Court is a legal



document and same cannot be ignored. There is no dispute with the case laws relied upon by learned counsel for respondents No.1 and 2, but with due respect, same are distinguishable and are not applicable to the facts and circumstances of the present case, as in the case in hand, a Civil Court decree dated 07.08.2024 regarding change of date of birth of the appellant from 03.04.1965 to 18.11.1969 has attained finality, whereas it was not so in the aforesaid authorities relied upon by learned counsel for the respondents No.1 and 2.

The view taken by the Tribunal is well-founded and does not suffer from any error of law.

7. In view thereof, finding no ground to interfere with the impugned judgment, the petition stands dismissed.

15.07.2025
Ad

(TRIBHUVAN DAHIYA)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>