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

+ **W.P.(C) 6069/2023**

VIJAY PANT

.....Petitioner

Through: Dr. Amit George, Adv. with Mr.
Arkanel Bhaumik, Mr. Adhishwar
Suri, Advs.

versus

CENTRAL BOARD OF SECONDARY EDUCATION & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

21.02.2025

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1. The present petition has been filed seeking following prayers;

a. Issue an appropriate writ, order or direction directing the Respondent No. 1 to rectify the date of the birth of the Petitioner in its records to reflect the correct date of birth ie. 16.03.1994

b. Issue an appropriate writ, order or direction, directing the Respondent No. 1 to issue a fresh Class X Certificate reflecting the actual date of birth of the Petitioner i.e. 16.03.1994, to the Petitioner.

c. Issue an appropriate writ, order or direction, directing the Respondent No. 2 School to rectify the date of the birth of the Petitioner in the School Records to reflect the correct date of birth i.e. 16.03.1994

d. Pass any other orders that this Hon'ble Court may deem fit in the interests of justice.



2. Dr. Amit George, learned counsel for the petitioner indicates that as reflected in the order dated 10.05.2023, Respondent no.1/CBSE has stated that if respondent no.2 submits a representation to CBSE, the necessary rectification of the petitioner's date of birth shall be carried out.
3. Learned counsel for the petitioner submits that the actual date of birth of the petitioner is 16.03.1994 as reflected in the birth certificate, Aadhar Card, Passport, Permanent Account Number (PAN) and the Election card issued by the Election Commission of India. Learned counsel submits that in fact the discrepancies have occurred when the petitioner sought admission in Respondent No.2 – School and a Transfer Certificate was submitted, wherein the date of birth was erroneously recorded as 14.07.1996. The petitioner is now seeking rectification, but Respondent No.2 is not processing the application for correction.
4. Dr. Amit George, learned counsel for the petitioner submits that though the respondent No.2 has filed its counter affidavit, none had been appearing for the respondent after 05.04.2024.
5. The respondent No.2 in their counter affidavit has taken a preliminary objection that the date of birth of the petitioner was recorded on the basis of the School Leaving Certificate (SLC) issued by the Bhuvneshwari Prathmik Avam Paryavaran Vidyalaya, Anjani Sain, Tehri Garhwal. Further, it has also been stated that as per Rule 69.2(iii) of CBSE bylaws, any request for change of date of birth must be made within one year from the date of declaration of results. Since no such application was moved within the stipulated period, the request cannot be entertained. It has also been stated that rectification must first be done at the previous school, failing which contradictions may arise in the records of both schools.



6. Perusal of the record indicates that in all the documents including birth certificate, Aadhar Card, Passport and PAN Card and Election ID, the date of birth of the petitioner has been shown as 16.03.1994. The incorrect date of birth 14.07.1996 has only occurred in the School Leaving Certificate being issued by the previous School.

7. Rule 69.2 of Notification bearing CBSE/Coord/AS(C)/2017/ dated 01.02.2018 which reads as under;

“69.2 Change in Date of Birth

No change in the date of birth once recorded in the Board's records shall be made.

69.2 (i)

No change in the date of birth once recorded in the Board's records shall be made. However, corrections to correct typographical and other errors to make the certificate consistent with the school records can be made provided that corrections in the school records should not have been made after the submission of application form for admission to Examination to the Board

69.2 (Correction in Date of Birth)

i. Corrections to correct typographical and other errors to make the certificate consistent with the school records can be made provided that corrections in the school records should not have been made after the submission of application form for admission to Examination to the Board

ii. Such correction in Date of Birth of a candidate in case of genuine clerical errors will be made under orders of the Chairman where it is established to the satisfaction of the Chairman that the wrong entry was made erroneously in the list of candidates/application form of the candidate for the examination.

iii. Request for correction in Date of Birth shall be forwarded by the Head of the School alongwith Attested Photostat copies of :



- a. application for admission of the candidate to the School;
- b. Portion of the page of admission and withdrawal register where entry in date of birth has been made along with attested copy of the Certificate issued by the Municipal Authority, if available, as proof of Date of Birth submitted at the time of seeking admission; and
- c. the School Leaving Certificate of the previous school submitted at the time of admission.

IV. The application for correction in date of birth duly forwarded by the Head of school along with documents mentioned in byelaws 69.2(iii) shall be entertained by the Board only within one years of the date of declaration of result. No correction whatsoever, shall be made on application submitted after the said period of one year

69.3 (Correction in Date of Birth)

A. Correction as per the school records:

- i. Corrections to correct typographical and other errors to make the certificate consistent with the school records can be made provided that corrections in the school records should not have been made after the submission of application form for admission to Examination to the Board.
- ii. Such correction in Date of Birth of a candidate in case of genuine clerical errors will be made under orders of the Chairman where it is established to the satisfaction of the Chairman that the wrong entry was made erroneously in the list of candidates/application form of the candidate for the examination.
- iii. Request for correction in Date of Birth shall be forwarded by the Head of the School alongwith attested Photostat copies of :
 - a. application for admission of the candidate to the School;
 - b. Portion of the page of admission and withdrawal register where entry in date of birth has been made along with attested copy of the



Certificate issued by the Municipal Authority, if available, as proof of Date of Birth submitted at the time of seeking admission; and

c. the School Leaving Certificate of the previous school submitted at the time of admission.

*iv. The application for correction in date of birth duly forwarded by the Head of school along with documents mentioned in byelaws 69.2(iii) shall be entertained by the Board only within **Five Years of the date of declaration of result**. No correction whatsoever shall be made on application submitted after the said period of Five Year.*

v. This rule will be applicable to all cases after Class X/XII 2015 examination onwards.

B. Correction as per Courts Orders.

Applications regarding correction in date of birth of candidates will be considered provided the correction have been admitted by the Court of law.

In cases of correction in date of birth in documents after the court orders caption will be mentioned on the document "CORRECTION ALLOWED IN DATE OF BIRTH FROM

ON (DATED).

AS PER COURT ORDER NO. ____ DATED__"

8. The Court acknowledges that error in the date of birth may seriously impair the future career of the petitioner. There appears to be no mala fide intent in the request for correction, and it is trite law that the bylaws must be interpreted in a pragmatic manner. It has also been on record that the CBSE itself has stated that they have no objection if the application forwarded for correction of the date of birth by School/respondent No.2. Further, this Court did not have the opportunity to hear submissions from Respondent No.2. However, the Court has considered the submissions made in the court



affidavit and perused the material on record.

9. Respondent No.2 is directed to forward the process/application of the petitioner for correction of date of birth by the CBSE in accordance with the rules. CBSE shall consider the application and decide it in accordance with its by-law, rules and regulations.

10. In view of the above, the petitioner shall submit the application with requisite documents to the school/respondent No.2 within two weeks. Respondent No.2 shall forward the same to the CBSE within two weeks thereafter. The CBSE shall take the decision in accordance with the law within four weeks thereafter.

11. Accordingly, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

FEBRUARY 21, 2025

Pallavi/SMG