

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11145 of 2025

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Hamzah Hassan Son of Dr. Mohammad Shahid Hassan Resident of village
Houe No.- 129-D, Patliputra Colony, P.S.- Patliputra Colony, District- Patna,
Bihar.

... .. Petitioner/s

Versus

1. The Chairman, Central Board of Secondary Education (C.B.S.E.) Shiksha Kendra, 2- Community Centre, Preet Vihar, New Delhi- 110092.
2. The Controller of Examinations, Central Board of Secondary Education (C.B.S.E.), Shiksha Kendra, Preet Vihar, New Delhi- 110092.
3. The Regional Officer, Central Board of Secondary Education (C.B.S.E.), Regional Office, Patna, Bihar.
4. The Principal, Vishashvi Public School, NH- 30A, Fatuha, Patna, Bihar- 803201.
5. The Principal, International School, New Patliputra Colony, Patna, Bihar- 800013.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vatsal Verma, Adv.
For the Respondent/s : Mr. Vinay Krishna Tripathy, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 12-01-2026

Heard Mr. Vatsal Verma, the learned Advocate for the petitioner and Mr. Vinay Krishna Tripathy, the learned Advocate for the Central Board of Secondary Education (for short ‘the CBSE’).

2. The petitioner by invoking the extraordinary writ jurisdiction of this Court is seeking a direction upon the concerned respondent authorities, especially the authority of the CBSE to make necessary correction in the date of birth of the petitioner in the records of the school as well as the records of



CBSE, including the matriculation certificate and the marksheet and other certificates from 07.08.2001 to 20.12.1999, in accordance with valid and official records of the petitioner.

3. Briefly stated, the petitioner was born on 20.12.1999 at Kurji Holy Family Hospital, Patna, whereupon a certificate of birth was issued to the parents of the petitioner by the hospital bearing Registration No. 3794/99 and IP No. 15269/99. Based upon which, birth certificate was also issued by the Municipal Authorities on 08.02.2000 to the parents of the petitioner. In the afore-noted certificate, the date of birth of the petitioner was duly recorded on 20.12.1999. Subsequently to the birth of the petitioner, the parents of the petitioner applied for his passport and, accordingly, a passport was issued in the name of the petitioner, the copy of which is also placed on record as Annexure-P/3 (series). Time to time upon expiry of the validity period of passport, the same was renewed and in all the places, the date of birth of the petitioner was duly mentioned as 20.12.1999. Subsequently, when the petitioner was admitted in the school and when he took admission in class-VIII in Vishashvi Public School, Patna, on account of inadvertent mistake, either by the authorities of the school or his parents, the date of birth was erroneously recorded as 07.08.2001. At the



relevant point of time, the petitioner was only about 13 years. On account of the aforesaid mistake, a similar mistake was also committed at the time of submission of the Form, based upon which the registration was made and the admit card was issued. The petitioner appeared and successfully completed his All India Secondary School Examination (Class-X) in the year 2016. Subsequently after completing matriculation, the petitioner also completed his Senior School Certificate Examination (Class-XII) in the year 2018 from International School New Patliputra Colony, Patna. The petitioner also got enrolled as a student of Bachelor of Dental Surgery (BDS) in Buddha Institute of Medical Science and at present pursuing the said course.

4. It is the contention of the petitioner that for the first time, he came to know in May, 2025 when he tried to renew his passport that two different date of births have been recorded in his documents, inasmuch as in his passport, his date of birth has been mentioned as 20.12.1999 whereas in his school certificate it is mentioned as 07.08.2001.

5. Referring to the documents placed on record, especially the passport as well as the birth certificate issued by the Municipal Corporation, Mr. Vatsal Verma, learned Advocate



for the petitioner, submitted that the correct date of birth of the petitioner was 20.12.1999, but on account of sheer mistake, while he was admitted in Class-VIII, some error has cropped up in filling the date of birth; thus, for rectification of the same, the petitioner approached the authorities of the CBSE and made correspondences with a request to make necessary correction in the date of birth. However, no action was taken. Hence the present petition.

6. Heavy reliance has been placed on a decision rendered by the Apex Court in the case of **Jigya Yadav (Minor) (Through Guardian/Father Hari Singh) v. Central Board of Secondary Education & Ors. [(2021) 7 SCC 535]**. Referring to the mandate of the Apex Court, it is contended that there is no bar in making necessary correction in the date of birth of a candidate if the same is supported with public documents. In the case at hand, the petitioner is armed with public documents including the birth certificate duly issued way back in the year 2000, besides the passport which was issued by the Passport Office upon proper verification of the documents duly submitted and requisite form which was filled up by his parents in the year 2000 itself. The validity of the documents are not in question; albeit, the authorities of the CBSE are not persuaded with the



request of the petitioner.

7. While concluding his argument(s), it is further urged that in the light of above referred ruling and mandate of the Apex Court, the learned Division Bench of the High Court at New Delhi, in the case of **Central Board of Secondary Education v. Prema Evelyn D Cruz & Anr. [LPA 171/2023 & CM APPL. 11492/2023 (additional documents)]** while affirming the order of the learned Single Judge of the High Court has been pleased to direct for necessary correction of the date of birth of a candidate taking note of the passport and other documents, which is considered to be as a valid proof of date of birth. The Court further clarified that if the CBSE record is at variance with the Passport, it could lead to the creation of considerable doubt in the minds of any person who is considering the candidature of a candidate for employment, immigration or for any other purpose.

8. Mr. Vinay Krishna Tripathi, learned Advocate for the CBSE, refuting the contention of the learned Advocate for the petitioner submitted that 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 the



application form for admission to examination of the Board. In the case at hand, the date of birth of the petitioner has been incorporated in the matriculation certificate as well as marksheet based upon the school records, wherein the date of birth of the petitioner was duly entered as 07.08.2001. It is further contended that the application for correction of the date of birth is not worth being entertained as no change in the date of birth once recorded in the Board's record shall be made. The petitioner having passed his examination in the year 2016 has approached the Board for changing his date of birth after 9 years and thus in terms with the By-laws of the CBSE, the same is not permissible. Moreover, the application of the petitioner has been rejected being time barred and communicated vide letter dated 28.07.2025, and the same is not challenged till date.

9. Before proceeding further, it would be relevant to take note of the decision rendered by the three Judges Bench of the Apex Court in the case of **Jigya Yadav** (supra); the core issue was related to correction/change in the name/surname/date of birth of the candidates or their parents in the certificate issued by the CBSE Board. The Apex Court having gone through the elaborate set of submissions and documents on record in the respective matter, categorize the points for consideration, which



are as follows:

“104.1. (1) Whether the CBSE Examination Bye-laws have the force of law?

104.2. (2) Whether Examination Bye-laws impose reasonable restrictions on the exercise of rights under Article 19 of the Constitution including fail the test of rationality for excessively restricting the scope of permissible corrections/changes?

104.3. (3) Whether the Board is obliged to carry out corrections/changes in the certificates issued by it owing to correction/updation of public records/documents which have statutory presumption of genuineness?

104.4. (4) Whether the Examination Bye-laws in force on the date of examination conducted by CBSE or the date of consideration of the application for recording correction/change would be relevant? And, whether the effect of correction or change, as the case may be, will have retrospective effect from the date of issue of the original certificate?

104.5. (5) Whether writ of mandamus issued for effecting corrections in CBSE certificates can be in the teeth of explicit provisions in the Examination Bye-laws, without examining validity of the bye-laws?

10. The Court while answering the issue as to whether



a person's right to control the elements of identity can be denied by CBSE on the basis of its Bye-laws, which are meant to regulate and prescribe the procedure for such corrections, has held that the right to identity is protected under Articles 19 and 21 of the Constitution encompassing an individual's control over their name and identity. The CBSE Bye-laws restricting corrections or changes in certificate must be judged, on reasonableness, considering their impact on a student's, legitimate objectives and rational classification. The CBSE is obliged to allow corrections consistent with the school records without imposing precondition, except a reasonable limitation period tied to the duration of record preservation. Any embargo on name change before publication of result was deemed unreasonable, though CBSE may reject request where records are no longer traceable. For changes not consistent with the school records, if supported by public documents, CBSE must accept them subject to reasonable restrictions; however, where the change is based on a newly acquired name without supporting documents, it may be allowed only upon Court declaration, gazette publication, return of original certificate and payment of prescribed fees.

11. The Hon'ble Supreme Court clearly set out and



dealt with the utility and importance of CBSE certificate by holding as follows:-

“144. The utility of certificates issued by the Board is not confined to educational purposes anymore. They serve a social purpose today and are often used to cross verify particulars like name and date of birth while applying for other government identity documents. They assume immense relevance while applying for various jobs, both public and private. Interestingly, CBSE itself has argued at length on the importance and authoritative value of their certificates. In such circumstances, an inaccuracy or denial of change could be fatal to a student's future prospects and all these concerns cannot be brushed aside in the name of administrative exigencies.

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150. No doubt, it is true that CBSE certificates are not strictly meant to be considered as identity documents, however, the same are being relied upon for corroborative purposes in all academic and career related transactions as foundational document. In fact, the CBSE itself has conceded to this fact that their certificates are relied for all official purposes, as noted above. The date of birth in matriculation certificate, in particular, is relied upon as primary evidence of date of birth of a citizen. Therefore, as regards the information contained in a CBSE certificate, the Board must afford opportunity to the students to modify it subject to complying with requisite formalities which are reasonable in nature. If all other State agencies could allow it for the preservice of consistency and accuracy, alongside being enablers in free exercise of rights by the citizens, there is no reason for the CBSE to not uphold that right of the students. More so, it would be in the interest of CBSE's own credibility that their records are regarded as accurate and latest records of a student worthy of being relied upon for official purposes. Therefore, this approach would serve twin purposes



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enabling free exercise of rights and preservice of
accuracy.”

12. Emphasizing the importance of the CBSE certificate, the Apex Court examined the various broad points, *inter alia*, whether the Board is obliged to carry out corrections/ changes in the certificate issued by it owing to corrections/ updation of publication records/documents which have statutory presumption of genuineness?

13. The afore-noted point was duly answered in para no.167 onward of the said decision, where the Court in no uncertain terms taking note of the earlier decisions, has observed that the records maintained by the statutory authorities have a presumption of correctness in their favor and they would prevail over any entry made in the school register held that there is no difficulty in correcting CBSE record to bring it in conformity with the school record. However, the difficulty arises when a statutory document is not consistent with the school record; in such a situation, the version supported by the statutory documents could be reckoned for the purpose of correction in CBSE certificate to make it consistent with public documents.

14. Upon careful perusal of the observations made in



the case of **Jigyā Yadav** (supra), there is no doubt that the Board is expected to take due notice of such statutory public documents and effect consequential corrections in the records after completing the necessary formalities as mandated.

15. While answering the issues as set forth, the Hon'ble Supreme Court finally concluded in para-194 to 194.1 as follows:-

“**194.** As regards request for “change” of particulars in the certificate issued by the CBSE, it presupposes that the particulars intended to be recorded in the CBSE certificate are not consistent with the school records. Such a request could be made in two different situations. The first is on the basis of public documents like birth certificate, Aadhaar card, election card, etc. and to incorporate change in the CBSE certificate consistent therewith. The second possibility is when the request for change is due to the acquired name by choice at a later point of time. That change need not be backed by public documents pertaining to the candidate.

“**194.1.** Reverting to the *first category*, as noted earlier, there is a legal presumption in relation to the public documents as envisaged in the 1872 Act. Such public documents, therefore, cannot be ignored by the CBSE. Taking note of those documents, the CBSE may entertain the



request for recording change in the certificate issued by it. This, however, need not be unconditional, but subject to certain reasonable conditions to be fulfilled by the applicant as may be prescribed by the CBSE, such as, of furnishing sworn affidavit containing declaration and to indemnify the CBSE and upon payment of prescribed fees in lieu of administrative expenses. The CBSE may also insist for issuing public notice and publication in the Official Gazette before recording the change in the fresh certificate to be issued by it upon surrender/return of the original certificate (or duplicate original certificate, as the case may be) by the applicant. The fresh certificate may contain disclaimer and caption/annotation against the original entry (except in respect of change of name effected in exercise of right to be forgotten) indicating the date on which change has been recorded and the basis thereof. In other words, the fresh certificate may retain original particulars while recording the change along with caption/annotation referred to above (except in respect of change of name effected in exercise of right to be forgotten).

16. Upon careful reading of the decisions rendered by the Apex Court in the case of **Jigya Yadav** (supra), it is manifest that based upon the public documents like birth certificate, Aadhar card, election card etc., the change in the



CBSE certificate can be incorporated in consistent therewith.

17. The reliance on a decision placed by the learned Advocate for the petitioner on a Division Bench decision of the High Court of Delhi at New Delhi in the case of **Prema Evelyn D Cruz** (supra) also strengthen the case of the petitioner, wherein the Court while affirming the decision passed by the learned Single Judge of the High Court of Delhi has been pleased to hold that the citizen of this country is entitled to a true and correct narration of all necessary and relevant particulars in the public document that pertain to them. The CBSE is a record keeper of considerable importance, as has been elaborated by the Hon'ble Supreme Court in **Jigya Yadav** (supra). The matriculation certificate of a person is considered an unassailable proof of date of birth. The Court further noted that a passport among certain other documents is also considered as a valid proof of date of birth and if the CBSE record is at variance with the passport, it could lead a creation of considerable doubt in the minds of any person who is considering the case of such person for employment, immigration or for any other purpose.

18. Now coming to the case at hand, indubitably the petitioner is armed with a passport duly issued and furnished



long back in the year 2000, wherein the date of birth of the petitioner has been categorically mentioned as 20.12.1999. The passport issued in favor of the petitioner was duly prepared after due verification and based upon the birth certificate issued by the Municipal Authority which also validate the submission of the petitioner admitting his date of birth as 20.12.1999.

19. The afore-noted public documents carry authenticity and it would prevail over the entry made in the school register unless it is controverted by other public documents or proved otherwise. If the entry of the date of birth in the certificate or marksheet does not tally with that in the birth certificate issued by the statutory authority as well as in the other document, including the passport, the petitioner would have to face serious hardship and thus it has rightly been observed by the learned High Court of Delhi that failure to exercise jurisdiction will result in injustice to the aggrieved.

20. In view of the aforesaid facts, circumstances and the position obtaining in law, this Court finds substance in the present writ petition and accordingly directs the respondent no.3 to process the application for correction of date of birth of the petitioner in the certificate(s) issued by it after getting it properly corrected by the school and further issue a fresh



certificate by making necessary corrections in the date of birth of the petitioner from 07.08.2001 to 20.12.1999 within a period of ten weeks from the date of receipt/production of a copy of this order, in terms with the mandate of the Apex Court rendered in **Jigya Yadav** (supra).

- 21. The writ petition stands allowed.
- 22. The parties shall bear their own cost(s).

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.01.2026
Transmission Date	

