

2026:PHHC:032896-DB



LPA-710-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**LPA-710-2025 (O&M)
Decided on: 26.02.2026**

Central Board of Secondary Education and others

...Petitioners

Versus

Khwaish Aggarwal and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

**Present: Mr. Beant Singh Seemar, Standing counsel with
Mr. R.S. Jodha, Advocate
for the appellants.**

Mr. Ashwani Talwar, Sr. Advocate with
Mr. Nikhil Sehrawat, Advocate
Ms. Vaishnavi Sikka, Advocate
Mr. Siddheshwar, Advocate and
Mr. Deepak Goyat, Advocate
for respondent No.1.

ANOOP CHITKARA, J.

CM-437-2026 & CM-1398-2026

1. Since the documents referred to CM-1398-2026 pertain to the litigation which was already referred to in the Civil Writ Petition and are official documents as such no prejudice will be caused to CBSE if application is allowed and documents are taken on record and read into evidence.
2. Needless to say that applicant's counsel stated at bar that applicant will not take any advantage of change of date of birth which she may gain because as per the correct date of birth she would be younger than the previous date of birth certificate which was supplied to them by an agent and at that stage, due to matrimonial discord, the applicant's mother was unable to personally travel and get the certificate.

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3. Later on it transpired that correct date of birth certificate is only of the year 2007 and agent had defrauded them. Despite this learned counsel for Khwaish Aggarwal, stated that they would not take any advantage of the age in question and even in the current studies she had not taken any advantage because of the change of age.

4. Given such statement and oral analysis of the facts and circumstances, the present applications are allowed. Documents at Annexures A-1 to A-9, are taken on record.

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5. Challenging the judgment dated 7th February, 2025, passed by a Single Bench of this Court, the appellant-Central Board of Secondary Education and others have come before this Court by filing the present Letters Patent appeal.

6. The petitioner-Khwaish Aggarwal (respondent No.1 herein), had filed a Writ Petition (CWP-2755-2025) before this court, challenging the quashing of the order dated 9th January 2025 (Annexure P-16) issued by 3rd Respondent-Assistant Secretary (Correction Cell), CBSE.

7. By the said order dated 09.01.2025, the Assistant Secretary (Correction Cell), CBSE, had declined the prayer made by petitioner-Khwaish Aggarwal to change her date of birth from December 22, 2006, to 11.04.2007, in view of the birth certificate dated February 24th, 2009 (Annexure P-1), and also in view of the rectification of the correct date of birth in the school record by the school authorities.

8. Vide order dated 07.02.2025, learned single judge directed the first respondent-CBSE, to correct the date of birth of the petitioner in her matriculation certificate (Annexure P-8) as 11th April 2007, to enable the petitioner to utilize her corrected certificate in the forthcoming secondary school examination, which was scheduled to start in the month of February 2025. The school authorities were also directed to send the correct date of birth to the CBSE, mentioning the date of birth as 11th April, 2007, as they have already corrected the same in the record. Aggrieved by the said directions, the CBSE has come up before this Court by filing the present Letters Patent Appeal.

9. We have heard counsel for the parties and reviewed the record, including the supplementary affidavit filed through CM-1398 of 2026 and its analysis would lead to the following outcome.

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10. Mr. Ashwani Talwar, Sr. Advocate assisted by Mr. Nikhil Sehrawat, appearing for the respondent-Khwaish Aggarwal stated on instructions that they would have no objection if the order passed in this appeal is not treated as precedent. Respondent has also undertaken through her counsel that she is not going to take advantage of the new date of birth for her present admission where she is studying. It is also stated that even in the present education, if her old date of birth certificate which is incorrect was counted, still she would have got admission, as such the change of birth certificate has not caused any prejudice to any person whomsoever.

11. The objections taken by CBSE against the judgment passed by learned Single Judge is that it is not maintainable because disputed questions of facts were involved, as such, which could not have been adjudicated by leading cogent evidence. In response to this, counsel for the respondent states that everything was based upon official records and there was no question of any disputed fact. It is not a case where there was no date of birth certificate which had to be established by any other evidence. An analysis of this objection clearly points out that a perusal of the impugned order does not refer to any oral submission regarding date of birth but a documentary evidence i.e. Ex.P8 which substantiates date i.e. 11th April 2007 that is duly corroborated and substantiated by official documents, as such, the first objection taken up in the LPA is not sustainable.

12. The second objection taken by CBSE is that it was not permissible for CBSE to change the date of birth because in the present case all entries were changed. In the earlier certificate, name, place of birth and date, are all different, whereas in the latest birth certificate of 11th April 2007, the things are entirely different. To this, counsel for the respondent has stated that a matrimonial discord had occurred between parents of Khwaish Aggarwal and because of that, her mother had moved to Pune. There was a necessity of birth certificate for admission and other purposes and as such they had requested an agent to get the birth certificate. However, later on they realized that the agent cheated them by not correctly filling up the forms and now even they have come to know that no such certificate was part of the official record. It was further submitted that the actual date of birth was 11th April, 2007 and it is not that the said certificate was manufactured now, but it was already registered way back and it is part of the official records. An analysis of the above argument would lead to the clear cut outcome that the later certificate dated 11th April 2007 was not prepared recently, but was prepared way back and within the proximity of birth and there is no reason to doubt about the stand of respondent about the matrimonial discord and its subsequent settlement.

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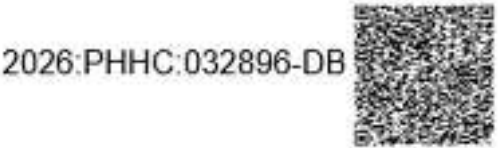
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13. In the present case, because of the matrimonial dispute between husband and wife, it was the poor child who suffered. Initially because of admission pressures, mother was rightly frustrated because it takes time in the government offices to get a date of birth certificate. As such, it is usual for the people to pay money to the agents and get certificates. She would not have suspected at all that the agent would cheat her. There was no advantage to the petitioner's mother by decreasing the age of birth by 3-4 months. Answer to the question that why did she not raise objection at that time, it is very clear that the pressure of matrimonial discords were already over her and then the time to get a new certificate would have dis-entitled her daughter from education. As such, even if she did not bring this inaccuracy and incorrect details in the date of birth certificate, we cannot ignore the ground realities that it is so frustrating to get things done when it comes to officials and departments, almost all over India.

14. Furthermore, the CBSE has created a special post of Assistant Secretary and a special cell, which is called the Correction Cell, which has been arraigned as the third respondent. Now, if corrections are not accepted in the certificate, then there is no purpose of creating this collection cell. The entire objective of creating the correction cell is that in a large country like ours, where the population is massive, and there is a lot of illiteracy, which is coupled with red tapism in getting things work, there would be a lot of mistakes which need to be corrected, and in the right wisdom, CBSE chose to create a correction cell. Thus, the direct purpose of creating the correction cell is to correct mistakes, and in the present case, what is sought to be corrected, is a mistake in the certificate and nothing more.

15. It is not a case where the date of birth is of a government employee, who will get benefits by showing him younger by four months and as such getting an advantage in working tenure. It is the case of a young girl who is not seeking correction to give any competitive exam like Civil Services, but only for senior secondary education, as such there is neither any bias nor any malafide intentions.

16. Another reason advanced by the counsel for CBSE, that in case it was a correct date of birth then she was ineligible for admission, is also baseless. It is not the case that in the country, no children younger than the petitioner have been denied admission or prevented from taking CBSE exams. Furthermore, this court cannot rule out that there are child prodigies who are sometimes smarter than their classmates and require special treatment. In this case, the petitioner was younger by only four months. Although, during the pendency of this LPA, CM-1398- 2026, has been filed and it has been brought to the notice of this court



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through official records that a person younger than the petitioner, by taking the petitioner's age of 2007, was also permitted in the examination, and one copy is annexed as Annexure A-8. There is no need to refer to this document because even without it, no prejudice would be caused to CBSE, if we clarify that this court's judgment shall not be read as a precedent.

17. Given the above facts and circumstances peculiar to this case, and without commenting on the restrictions imposed by CBSE on changing the date of birth, this is an exceptional case, where because of the matrimonial dispute between the child's parents, an agent supplied a wrong date of birth, which led to all this confusion. It is clear that the correct date of birth certificate was neither constructed nor fabricated later on, but it was also in close proximity with the time of birth. We cannot ignore the ground realities that when parents fight, the children suffer, and that the fight can sometimes be so brutal that they don't even bother about the child's career. In the present case, the child was not at all responsible for whatever happened to her regarding the wrong date of birth, and she could not take any advantage of the same. Furthermore, the age gap between the old incorrect certificate and the new correct certificate was only four months, and she did not take any benefit of any nature from the change, and she has also given an undertaking in this effect that even in her current education she has not taken any such benefit. Thus, in the entirety of the facts and circumstances, with clarification that this order passed by us as well as in the Writ petition i.e. CWP-2755-2025, shall not be referred to as a precedent in any case.

18. The present LPA is dismissed. All other pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

26.02.2026
Anju rani

Whether speaking/reasoned	YES
Whether reportable	NO