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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6554/2023**
SMT. NISHA RAY

.....Petitioner

Through: Mr. Bhuvan Mishra (DHCLSC)
Adv., Mr. Tanmay Mishra Adv, Mr. Yash
Maheshawari Adv, Mr. Krishna Kanhaiya Kumar
Adv, Ms. Bethshy Gangte Adv

versus

CENTRAL BOARD OF SECONDARY EDUCATION & ANR.

.....Respondent

Through: Mr Ashok Kumar with Ms Chhavi
Arora Advocates for R1

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

11.02.2026

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1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following reliefs:-

“A. Issue a Writ of Mandamus or any other Writ, Order or Direction directing the Respondents to correct the date of birth of the Petitioner in the Passing Certificate of the Delhi Secondary School Examination as issued by Respondent No.1 vide Number dated 114636 dated the 28th of May 2004 and any other document issued by the Respondent No.1 relying upon the said certificate, after recording her correct date of Birth i.e., 23rd of May 1987 as recorded in the Birth Certificate issued under the Registration of Births and Deaths Act and further to



issue a fresh certificate to the Petitioner after making the afore-mentioned correction, AND

B. In the alternative and without prejudice to above, Issue a Writ of Mandamus or any other Writ, Order or Direction directing Respondent No.1 to decide the Petitioners Application dated 22nd of February 2023 for change of Birth in the Passing Certificate of the Delhi Secondary School Examination as issued by Respondent No.1 vide Number dated 114636 dated the 28th of May 2004 and any other document issued by the Respondent No.1 relying upon the said certificate, after recording her correct date of Birth i.e., 23rd of May 1987 as recorded in the Birth Certificate issued under the Registration of Births and Deaths Act, in accordance with Law and keeping in consideration the Laws as Laid down by the Hon'ble High Court and the Hon'ble Supreme Court.”

2. The case of the petitioner is that the petitioner was born on 23.05.1987 at Ghaziabad, UP and that is the date of birth recorded in the birth certificate issued under the Registration of Births and Deaths Act, 1969.
3. The petitioner took admission in respondent No. 2 school with the death of birth as 23.05.1987, but in the school record, it was recorded as 23.05.1986. The said date of birth continued in the middle-standard examination as well as the matriculation certificate dated 28.05.2004 issue by the respondent No. 1. The error continued throughout the University as well.
4. Subsequently, in the year 2023, the petitioner realised her mistake and



filed a representation/application dated 22.02.2023 seeking rectification in the Class-X (Matriculation) certificate issued by respondent No. 1.

5. Since the record was not changed, the petitioner has moved the present petition.
6. Mr. Kumar, learned counsel for respondent No. 1 vehemently opposes the petition. He relies on the observations of the Hon'ble Supreme Court in ***Jigya Yadav v. CBSE, (2021) 7 SCC 535*** to urge that the change as sought by the petitioner is not a correction of the date of birth but a change in the date of birth which cannot be permitted. He relies on paragraphs 159, 160 and 161 of the judgement which read as under:-

“Examination of validity of Bye-laws

159. *At the outset, we note that there are certain characteristics of changes that students usually apply for being recorded in their certificates. Change of name of the student/father/mother, correction in name of the student/father/mother and correction in date of birth are the primary ones. All these changes cannot be weighed with the same scale. Even in the Bye-laws, all these changes are not subjected to the same set of restrictions/conditions and different changes are circumscribed by different conditions.*

160. *The conditions regarding “correction” in name or date of birth are not as stringent as conditions applicable to change thereof. For correction in name, the 2018 Bye-laws provide for a limitation period of five years and permit such*



corrections that can be characterised as typographical, factual or spelling mistake in comparison with school records. Understandably, a correction would mean retention of the original record with slight modification to make it consistent with the school records. This requirement of modification could be born out of various reasons, namely, typographical mistake at the time of publishing, spelling error or factual error i.e. an error of fact as it existed at the time when the certificate was published. Thus, correction in name is done to bring unanimity between the school records (as they existed at the time of sending information to the Board) and CBSE certificates. However, if school records are altered afterwards and Board is called upon to alter its certificates in light of the updated school records, the same cannot be termed as correction per se but would be in the nature of recording change. Therefore, substantially deviating from a “correction”, the Bye-laws provide for an option to “change” the name, which is subject to different conditions.

161. *Similar provision is available for “correction” in date of birth, either on the basis of school records or on the basis of order of court. The word “change” is not used for date of birth as, unlike name, there can only be one date of birth and there can only be a correction to make it consistent with school record or order of court. It cannot be changed to replace the former with a fresh date of one's choice. Be it*



noted, provisions relating to correction in date of birth and name are just and reasonable and do not impose any unreasonable restriction on permissibility of corrections. The restriction regarding limitation period shall be examined later, along with other provisions.”

7. I am unable to agree with the contentions of the respondent No. 1.
8. In the present case, the petitioner has duly drawn my attention to the Annexure P-6 with the petition which is the registration certificate issued under Section 12 & 17 of the Registration of Births and Deaths Act, 1969 showing the date of birth of the petitioner as 23.05.1987.
9. The petitioner has also drawn my attention to the Aadhaar Card as well as the PAN Card (both government documents) showing the date of birth as 23.05.1987.
10. The reliance is also well placed on ***Central Board of Secondary Education v. Prema Evelyn D Cruz and Anr.*** passed in LPA 171/2023, wherein the record was directed to be corrected after a lapse of 22 years. Paragraphs 17, 18 ad 24 of the said judgment are relevant and read as under:-

“17. Upon a careful reading of the above extracted paragraphs, it is evident that public documents, such as an official birth certificate issued by the competent authority, carry a statutory presumption of correctness under the law. In the present case, there exists no cogent reason for the Board to disregard the said document. Accordingly, the Board is expected to take due notice of such statutory public documents and effect consequential corrections in the



records of the Appellant.

18. In fact, the Hon'ble Supreme Court states that these documents would be in the nature of foundational documents and to safeguard it, the CBSE is permitted to call upon the person seeking such a change to fulfill certain further formalities which could be in the nature of a sworn affidavit making the necessary declaration and also indemnifying the Board, surrendering any earlier documents pertaining to or making a reference to the information that is now sought to be corrected, etc.

24. This Court fails to understand the vehemence with which the matter is being opposed. A citizen of this Country is entitled to a true and correct narration of all necessary and relevant particulars in the public documents 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) as well as by the learned Single Judge. The matriculation certificate of a person is considered an unassailable proof of date of birth."

11. Even in the judgement of **Jigya Yadav (supra)**, the Hon'ble Supreme Court has stated that there can only be one Date of Birth. The petitioner is and should be entitled to make a correction to make the document consistent with all public documents, namely, Adhaar Card, PAN Card and the Birth Certificate.
12. In case the petition is not allowed, the petitioner would be having 2 date of births, one shown in the Adhaar Card, PAN Card and Registration



Certificate and the other in the Matriculation Certificate which is impermissible and contrary to law.

13. Mr. Kumar, learned counsel states that since the document is not in the requisite format and hence, it is a procured document.
14. The Adhaar Card and PAN Card which are government documents based on valid verification show the date of birth as 23.05.1987.
15. I am also unable to comprehend the hostile opposition to the present petition. The Central Board of Secondary Education (CBSE) is a custodian of record and is not required to have personal interest in the date of birth of any candidate.
16. For the said reasons, the present petition is allowed.
17. The documents handed over in Court today are taken on record.
18. The petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

FEBRUARY 11, 2026 / (MS)