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

+ **W.P.(C) 11760/2024, CM APPL. 15687/2025**

SHREY TYAGI @ SHREYANSHU

.....Petitioner

Through: Mr. Ashish Pandey, Adv, Mr.
Shubham Saxena, Adv, Mr. Anmol
Goyal, Adv

versus

CENTRAL BOARD OF SECONDARY EDUCATION AND ANR.

.....Respondents

Through: Mr. M.A. Niyazi Adv. Standing
Counsel for CBSE With Ms.
Anamika Ghai Niyazi Adv., Ms. Kirti
Bharadwaj Adv., Ms. Nehmat Sethi
Adv., Mr. Adnan Naqash Adv. for R-
1
Mr Sachin Singh Dalal, Akshat Singh,
Joe Sebastian, ADV & Louis
Rodrigues-AR for R-2

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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20.02.2026

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

“(i) to issue the Writ of Mandamus or any other Writ or direction to the respondents to issue class X marksheet, bearing Roll No. 5371899 of the petitioner with correct date



of birth i.e. 21.12.1998 instead of 21.12.2000 on the basis of his birth certificate and passport; and/or...”

2. The case of the petitioner is that the petitioner since childhood has relocated multiple times to different locations due to his father’s job along with his family. Thereafter, the petitioner took admission in the respondent No. 2 School for academic session 2013-15 to complete his studies and appeared in Class 10th examination with roll No. 5371899 and for the same marksheet has been issued to the petitioner. However, the date of birth of the petitioner in the birth certificate is mentioned as 21.12.2000 instead as 21.12.1998.

3. In accordance with the petitioner, the correct date of birth of the petitioner is 21.12.1998 which is reflected in his passport as well as birth certificate duly issued by the Government.

4. Since, the respondents were not acting on the representation made by the petitioner for rectifying the date of birth of the petitioner as 21.12.1998 instead of 21.12.2000 in the Class 10th marksheet, the present petition has been filed.

5. Mr. Niyazi along with Mr. Adnan, learned counsels for the respondent No. 1, has placed reliance on paragraph No. 13 and 15 of the counter-affidavit filed by the respondent No. 1/CBSE, which read as under:

“13. The answering respondent, after taking appropriate action on the letter dated forwarded by their headquarter dated 10.05.2024, communicated with the school Ryan International School, Greater Noida G B Nagar Up, (School No. 54194). In their response, the answering respondent instructed the school to forward the petitioner's request,



ensuring it was accompanied by all necessary supporting documents for further consideration or processing. Copy of the office letter dated 10.05.2024 is annexed hereto as Annexure-R/2. Subsequently, in response vide letter dated 13.07.2024 (received on 04.09.2024), the Ryan International School promptly submitted the necessary documents. Wherein, copy of the Birth Certificate also annexed by the concerned school while forwarding the request for correction in DOB. Copy of the Birth Certificate is annexed herewith as Annexure-R/3. Copy of letter dated 13.07.2024 (received on 04.09.2024) is annexed hereto as Annexure-R/4.”

...

15. It is further submitted herein, petitioner's Class-IX registration records have been discarded as per the Weeding Out Rules, 1998 (amended in 2012), which state that such records are preserved only until two months after the declaration of the Board Exam results. Since the petitioner appeared for the Board Exam in 2015, the Class-IX registration records were removed shortly after the results were declared. It is assumed that the school would have used the same date of birth (DoB) when submitting the registration data, which has been reflected in the petitioner's Class-X certificate issued by the Board. The records are no longer available due to the expiration of the retention period, as outlined in the rules. Copy of the Weed



out Rule is annexed herewith as Annexure-R/5.”

6. The learned counsels further states that the petitioner has not given any satisfactory explanation for approaching this Court after a delay of 9 years and the petition needs to be rejected on this ground alone.

7. Mr. Niyazi, also draws my attention to the weeding rule which states that the relevant record has been weeded out by the respondent No. 1 and in the absence of any documents available with the respondent No. 1, relief sought by the petitioner cannot be granted.

8. On the other hand, the respondent No. 2, namely Ryan International School supports the case of the petitioner and states that it is a case of typographical error.

9. Mr. Dalal, learned counsel for respondent No. 2, draws my attention to documents exchanged between the respondent No. 1/CBSE and the respondent No. 2 school showing the date of birth of petitioner as 21.12.1998.

10. The documents duly issued by Government such as passport shows the date of birth of the petitioner as 21.12.1998, and even the birth certificate issued by the Municipal authorities under Sections 12 and 17 of the Registration of Births and Deaths Act, 1969, shows the date of birth as 21.12.1998.

11. In this view of the matter, this Court is required to ensure that complete justice is done between the parties. This Court in its earlier Order dated 11.02.2026 passed in ***Smt. Nisha Ray v. Central Board of Secondary Education & Anr., W.P.(C) 6554/2023***, while relying on ***Jigyada Yadav v. CBSE, (2021) 7 SCC 535*** and ***Central Board of Secondary Education v. Prema Evelyn D Cruz and Anr., LPA 171/2023***, made the following



observations:

“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.”

12. In view of the above, the petitioner is having all the relevant copies duly issued by the Government authorities to substantiate his contention for the rectification of the said mistake. Consequently, the petition is allowed and the respondent No. 1 is directed to correct the Class 10th marksheet of the petitioner bearing Roll No. 5371899 and to record the date of birth of the petitioner as 21.12.1998 instead of 21.12.2000.

13. The petition is disposed of with the above directions.

JASMEET SINGH, J

FEBRUARY 20, 2026/DM