
(2019) 11 DEL CK 0637

Delhi High Court

Case No: Civil Writ Petition No. 1479 Of 2019

Jyoti

APPELLANT

Vs

Central Board Of
Secondary Education
And Anr

RESPONDENT

Date of Decision: Nov. 15, 2019

Acts Referred:

Births And Deaths Act, 1969 " Section 17

Citation: (2019) 11 DEL CK 0637

Hon'ble Judges: Rajiv Shakdher, J

Bench: Single Bench

Advocate: Arpit Bhargava, Hina Bhargava, Anurag Sharma, Ashok Kumar, Ujjwal Goel,
Nirvikar Verma

Final Decision: Allowed

Judgement

“Particulars Name,Particulars at the time of admission,"Desired changes as per documents

submitted

Name of Candidate,Jyoti,Jyoti*

Father's name,Guru Dyal,Gurdayal

Mother's name,Pinki,"Pinki Devi D.O.B. 03.12.1996

13.12.1996““

D.O.B.,03.12.1996,13.12.1996““

11. On the other hand, the CBSE resists the relief sought in the petition. Counsel for the CBSE submits that the list of candidates submitted by the",,,

school shows the particulars pertaining to the petitioner's parents and the date of birth exactly the same way as they are given in grade-X and,,

grade-XII certificates, presently, in possession of the petitioner.",,

11.1. Furthermore, counsel says that since the case does not relate to correction, but a change in particulars, the amended provisions of bye-law 69.2",,,

would apply.,,

11.2. I must also indicate that the counsel for the CBSE tried to argue that even the change in the names of the parents could also not be brought,,

about contrary to the contents of CBSE's letter dated 06.09.2019. For the reasons set out above, the objection taken by CBSE qua correction",,,

sought by the petitioner in her parent's name cannot be sustained in view of the stand taken by it in the letter dated 06.09.2019 that those corrections,,

have been carried out.,,

12. Insofar as correction sought in date of birth is concerned, in my view, the petitioner's case falls under bye-law 69.3(B). For the sake of",,,

convenience, the same is extracted hereafter:",,

“69.3 (Correction in Date of Birth),,,

xxx xxx,,

B. Correction as per Courts Orders.,,

xxx,,

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 ____ TO ____ ON (DATED) ____ AS PER COUR ORDER NO. ____",,,

DATED ____.

12.1. It is evident that the school record contained the correct particulars as to the petitioner's date of birth. This emerges upon a perusal of the,

letter dated 26.8.2009. This letter was issued for the purpose recorded therein which, apparently was for the issuance of the caste certificate. This,,

letter was issued much prior to the date on which the petitioner sat for grade-X exams.,,

12.2. Furthermore, the birth certificate issued by NDMC is consistent with the date of birth which finds mention in the school record.",,

12.3. It is quite possible that when the information was transmitted to the CBSE while forwarding the list of candidates, a mistake was made in,,

entering the correct date of birth. To my mind, the petitioner cannot be held responsible for this.",,

13. Thus, based on balance of probability, I am inclined to accept the version presented before me by the petitioner. Accordingly, the writ petition is",,,

allowed.,,

14. The petitioner will be issued grade-X and grade-XII certificates with correct particulars as extracted in para 18 of the petition hereinabove with,,

regard to the parents' name as well as the date of birth in consonance with the extant amended Bye-laws. Needless to add, this exercise will be",,,

done expeditiously, though not later than six (6) weeks from the date of receipt of a copy of the order.",,