



RSA-251-2024 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-251-2024 (O&M)
Reserved on : 30.07.2025
Pronounced on : 31.07.2025

SONIA

...Appellant

Versus

Board of School Education, Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Pankaj Bains, Advocate and
Mr. Lovekesh Mehta, Advocate for
Mr. Gurbir Singh Sidhu, Advocate,
for the appellant.

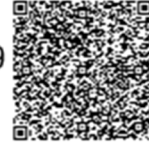
Mr. Deepak Balyan, Advocate with
Mr. Vicky Chauhan, Advocate and
Mr. Kapil Dhundhwal, Advocate,
for respondent No.1.

Mr. Rajesh K. Sheoran, Advocate,
for respondent No.4.

HARPREET KAUR JEEWAN, J. (Oral)

1. The appellant-plaintiff has filed this Regular Second Appeal against the judgment and decree dated 09.10.2023, passed by the Additional District Judge, Kurukshetra and a prayer has been made for granting relief to the appellant for correction of date of birth in her educational certificates.

2. As per the version of the appellant-plaintiff, her name has been wrongly mentioned as Sonia Rani instead of Sonia, whereas, her date of birth has been wrongly mentioned as 07.02.1990 instead of 07.01.1990. Even her mother's name was also wrongly mentioned as Rani Devi instead of Rani. As such, she approached the Civil Court



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seeking the relief for corrections as aforesaid. The Civil Judge, Senior Division, Kurukshetra, partly decreed the civil suit vide judgment and decree dated 03.01.2022 and granted the relief for corrections in the names of the appellant and her mother, however, the relief regarding correction of date of birth in the educational certificates was declined. The First Appellate Court also dismissed the appeal filed by the appellant.

3. Learned counsel for the appellant submits that the First Appellate Court did not consider the fact that no fraud is being played while seeking correction of date of birth. It was an inadvertent and arithmetic mistake and is adversely affecting the life of the appellant. She is only seeking correction of date of birth as 07.01.1990, which is wrongly mentioned as 07.02.1990 in her educational certificates. There is a contradiction in the entry of date of birth recorded in the Educational Certificates viz-a-viz the Birth Certificate and the Aadhar Card. It is further contended that the First Appellate Court, while declining relief to the appellant, has wrongly placed reliance on the decision of this Court in *Ambika Kaul Vs. Central Board of Secondary Education & Others*, LPA No.1613 of 2014, decided on 21.05.2015, without appreciating that it was a clerical error and there was no fraud being played by the appellant. The appellant, a young person, wanted to go abroad, as such, when she approached the Passport Authorities, the concerned authorities demanded the documents from her, upon which the error was detected. Reliance has been placed on the decision of a Division Bench of this Court in *Central Board of Secondary Education Vs. Mansi Mudgil*, LPA No.1343 of 2018, decided on 20.01.2023.



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4. Mr. Rajesh K. Sheoran, Advocate, appearing on behalf of the Haryana State Board of Technical Education-respondent No.4, opposed the said prayer on the ground of delay. It was contended that the particulars regarding date of birth were mentioned in the records on the basis of Matriculation Certificate and correction in the educational certificates regarding date of birth cannot be made at such a belated stage. Similar submissions were made on behalf of the respondent No.1.

5. I have considered the aforesaid submissions and perused the paper-book and record of the trial court.

6. In order to prove that her date of birth is 07.01.1990, the appellant-plaintiff has relied upon the entries in her Aadhar Card (Ex.P-1) and the Birth Certificate, which has been issued by the Registrar, Birth and Death, Department of Health, Government of Haryana (Ex.P-2). As per the Birth Certificate, birth of a female child, Sonia, daughter of Khem Chand (father) and Rani (mother) was registered way back on 08.01.1990. The registration of birth was on the next day of the birth and authenticity of this document has not been doubted by respondents-defendants. After perusing the educational certificates of the appellant, i.e. Middle Standard Examination Certificate (Ex.P-4); Matriculation Examination Certificate (Ex.P-5) and other documents appended with the civil suit, it transpires that the date of birth of the appellant has been recorded as 07.02.1990 instead of 07.01.1990. This appears to be a clerical and unintentional error. The appellant would not derive any benefit by rectification of her date of birth as 07.01.1990 instead of 07.02.1990.



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7. It appears that a same date of birth has been recorded in the Aadhar Card and in the Date of Birth Certificate, but different date of birth is mentioned in all the educational certificates. Such an ambiguity in the documents would definitely cause a lot of inconvenience to the appellant, regarding which she had approached the Civil Court. Hyper-technical view cannot be taken in the correction of such kind of errors.

8. The Hon'ble Apex Court in *Jigya Yadav Vs. C.B.S.E. (Central Board of Secondary Education), 2021 AIR (Supreme Court) 4775*, dealt with the question of correction/change in the name/surname/date of birth of candidates or their parents in the certificates issued by the Central Board of Secondary Education (CBSE). While observing a cautious approach, the Hon'ble Apex Court considered that sometimes, change of name or other particulars could be a necessity and when byelaws of the Education Board do not permit such changes, the Courts may be circumspect before issuing directions. The following observations need reference here:-

“Thus, the Courts need to be extra cautious and alive to the immediate factual position before permitting changes. No two requests for change of name or change in date of birth can be viewed with the same judicial eye. Sometimes, change of name could be a necessity, sometimes it could be a pure exercise of freewill without any need. As long as Byelaws or the applicable rules permit so, there is no occasion for any court to deny such relief. But when Byelaws do not permit for the same, the Court must be circumspect before issuing directions, that too without commenting upon the validity of the Byelaws and without demonstrating the rights which are at stake - constitutional or legal.”

9. However, considering the facts of that case as well as referring to the CBSE Examination Byelaws, a direction was given to



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the CBSE to process the application for correction or changes and it was held as under:-

“172. In light of the above, in exercise of our plenary jurisdiction, we direct the CBSE to process the applications for correction or change, as the case may be, in the certificate issued by it in the respective cases under consideration. Even other pending applications and future applications for such request be processed on the same lines and in particular the conclusion and directions recorded hitherto in paragraphs 170 and 171, as may be applicable, until amendment of relevant Byelaws. Additionally, the CBSE shall take immediate steps to amend its relevant Byelaws so as to incorporate the stated mechanism for recording correction or change, as the case may be, in the certificates already issued or to be issued by it.”

10. A Division Bench of this Court in *Mansi Mudgil's case* (supra), while dealing with the question of correction of date of birth in matriculation certificates, directed the Education Board to consider the request for correction in the entry of date of birth in educational certificates, where date of birth was registered within 02 days of birth of the respondent, while observing that in such circumstances, in case the date of birth of the respondent is not corrected in the matriculation certificate, it would lead to miscarriage of justice and respondent would face great difficulty at all levels for all times to come, whereas, no such loss would be caused to the appellant-Board. It was held as under:-

“14. In view of the facts of the present case that the respondent has never misused the entry in the certificate issued by the appellant and entry in the Aadhar Card as well as the entry in the certificate issued by the Registrar (Births and Deaths) that too when the entry in the Birth Certificate was recorded within a period of two days after the birth of the respondent, in such circumstances in case the Date of Birth of the respondent is not corrected in the Matriculation Certificate this would lead to miscarriage of justice, and the



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respondent would face great difficulty at all levels for all times to come whereas no loss would be caused to the appellant Board.

15. Hence, keeping in view the decision relied upon in the case of Mohd. Yunus Khan(supra) and R.K. Jangra (supra) by the Hon'ble Apex Court, we are of the considered opinion that the decision rendered by the learned Single Judge requires no interference and same is upheld. The appellant/Board is directed to consider the application of the respondent which is attached with the writ as Annexure P-6, within a period of one month from the date of receipt of certified copy of this order and after correcting her Date of Birth in the Matriculation Certificate the same be issued to her within a period of 15 days thereafter.”

11. In view of the ratio of law laid down in the aforesaid decisions as well as the facts and circumstances of this case, this Court is of the considered opinion that appellant is able to make a case for issuance of directions to the respondents to consider the request of the appellant-plaintiff for rectification of date of birth in the educational certificates issued by them.

12. As such, findings of the First Appellate Court declining relief sought by the appellant-plaintiff to this effect are liable to be set-aside.

13. Consequently, present Regular Second Appeal is allowed. The impugned judgement and decree of the First Appellate Court is set aside. The appellant would submit a written application along with necessary documents for correction in the date of birth recorded in her educational certificates to the respondents within a period of 03 weeks from today and the said application would be considered by the respondents within a period of 01 month thereafter.

14. Decree be drawn accordingly.



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15. Pending miscellaneous applications, if any, shall stand disposed of.

31.07.2025

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**[HARPREET KAUR JEEWAN]
JUDGE**

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No