



**269-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-3613-2024

Date of Decision: 15.07.2025

Rajat Singh

...Petitioner

Vs.

State Of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Petitioner-Rajat Singh, in person.

Mr. Raman Sharma, Addl. A.G., Haryana.

Mr. Gaurav Jindal, Advocate
for respondent No.2-UH BVNL.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to permit him to join as Assistant Lineman (hereinafter referred to as 'ALM').

2. The petitioner pursuant to advertisement No.3 of 2023 dated 07.03.2023 applied for the post of ALM under General Category. He was issued Admit Card. He appeared for Common Eligibility Test (hereinafter referred to as 'CET'). He qualified CET and thereafter, appeared for final written test held on 30.12.2023. Respondent No.3 declared final result and name of the petitioner figured in the list of selected candidates. The petitioner appeared for scrutiny of documents. He was directed to report for joining on 09.02.2024. The respondent-UH BVNL did not permit him

to join on the ground that there is difference in the date of birth recorded in Matriculation Certificate and Birth Certificate dated 12.03.2019. The petitioner preferred **CWP No.11180 of 2024** seeking direction to Central Board of Secondary Education (hereinafter referred to as 'CBSE') to correct his date of birth so that objection of UHBVNL may be redressed. This Court in **CWP No.11180 of 2024** passed order dated 13.12.2024 which reads as:

*“Learned counsel appearing on behalf of respondents No.2 and 3-CBSE in CWP No.11180 of 2024 has stated that the impugned order Annexure P-14 will be withdrawn because it was a non-speaking order and liberty may be granted to the respondents-CBSE to pass a detailed speaking order which will be passed in consonance with the judgment of Hon’ble Supreme Court in **Jigyā Yadav (minor, through guardian/father Hari Singh) Versus C.B.S.E (Central Board of Secondary Education) and others, Civil Appeal No.3905 of 2011, decided on 03.06.2021, after due opportunity of hearing to the petitioner and to produce any record etc.***

*In view of above, so far as the submissions made by learned counsel appearing on behalf of CBSE is concerned, CBSE is granted liberty to withdraw the impugned order and to pass a detailed well reasoned speaking order after hearing the petitioner and considering documents etc. submitted by him and also in consonance with the judgment of Hon’ble Supreme Court in **Jigyā Yadav’s case (supra)** within a period of three weeks thereafter. The entire exercise be completed within four weeks.*

Adjourned to 22.01.2025.

A photocopy of this order be placed on the file of connected case.”

3. The CBSE vide order dated 10.01.2025 refused to change/correct date of birth recorded in the Matriculation Certificate of the petitioner. The CBSE refused to act upon Date of Birth Certificate dated 12.03.2019 meaning thereby as per CBSE, date of birth of petitioner is 08.02.1992 and it cannot be changed.

4. Mr. Gaurav Jindal, Advocate submits that it is factually correct that petitioner qualified written test and was recommended by Haryana Staff Selection Commission.

5. On being asked, Mr. Gaurav Jindal, Advocate submitted that on account of difference in date of birth jotted down in Birth Certificate and Matriculation Certificate, the petitioner was not permitted to join. There is doubt in the genuineness of Matriculation Certificate. The possibility of said certificate being forged cannot be ruled out.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. From the perusal of record and especially interim order dated 13.12.2024 passed by this Court read with order dated 10.01.2025 passed by CBSE, it is evident that as per Matriculation Certificate, date of birth of the petitioner is 08.02.1992. The CBSE has passed detailed order. The CBSE has considered multiple documents of the petitioner and has not doubted genuineness of the certificates. The CBSE has simply declined request of the petitioner to rectify his date of birth recorded in Matriculation Certificate. On account of refusal on the part of CBSE to change date of birth of petitioner in Matriculation Certificate, the date of birth of petitioner as per Matriculation Certificate has become

08.02.1992. As per his Birth Certificate which was issued in 2019, his date of birth is 08.06.1991. The date of birth either is considered as 08.06.1991 or 08.02.1992, the petitioner is eligible for the post of ALM. He cannot be deprived from his valuable right to post of ALM on account of little difference in the date of birth in two different documents. In the absence of any concrete evidence to the effect that Matriculation Certificate is forged document, it is hyper-technical and unfair on the part of respondent to deny post of ALM to the petitioner. He cannot be deprived from his valuable right of post. Nobody can claim as fundamental or vested right a public post, however, as soon as he is selected and his eligibility is not disputed, he cannot be deprived from the post.

8. In the wake of above discussion and findings, this Court is of the considered opinion that instant petition deserves to be allowed and accordingly allowed.

9. The respondents are hereby directed to permit the petitioner to join within two weeks from today. It is made clear that date of joining of petitioner shall be his date of appointment for all intent and purposes. It is further made clear that if, at any stage, respondents find that matriculation certificate is a forged document, they would be free to proceed in accordance with law.

(JAGMOHAN BANSAL)
JUDGE

15.07.2025

Prince Chawla

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No