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

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Judgment reserved on: 10.04.2026**Judgment delivered on: 04.06.2026**

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LPA 647/2024**REWANT AHLAWAT**

.....Appellant

Through: Ms. Jyoti Dutt Sharma, Ms. Rajul Jain,
Ms. Poorvi Rewalia, Mr. Manikant
Sharma, Advs.

versus

CENTRAL BOARD OF SECONDARY EDUCATION....Respondents

Through: Ms. Manisha Singh, ASC for CBSE.
Mr. Farman Ali, CGSC with Ms. Usha
Jamnal, Adv. for R-2 &3.
Ms. Arti Bansal, ASC for R-4/MCD.

CORAM:**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****J U D G M E N T****DEVENDRA KUMAR UPADHYAYA, C.J.**

1. The appellant by instituting *W.P.(C) 3578/2024* made a prayer seeking a direction to the respondent-Central Board of Secondary Education (*hereinafter referred to as 'CBSE'*) to correct its record by changing his date of birth (*hereinafter referred to as 'DOB'*) from 14.09.2000 to 14.09.1999. It was also prayed, that accordingly, a fresh Class 10th Board Examination Certificate be issued to the Appellant herein.

2. On record, there are two birth certificates issued under the provisions of the Registration of Births and Deaths Act, 1969 (*hereinafter referred to*



as 'Act, 1969'). The first birth certificate refers the DOB of the appellant as 14.09.2000 whereas, the second birth certificate records his DOB as 14.09.1999. The date of registration as mentioned in the first certificate is 07.12.2002 where the place of birth of the appellant is shown to be Police Quarters, Naraina, whereas the second birth certificate shows the date of its issuance to be 26.11.2023 where the place of birth of the appellant is recorded as Jaipur Golden Hospital.

3. The DOB of the appellant came to be recorded in the Secondary School Examination Certificate issued by the CBSE as 14.09.2000. The said certificate was issued by CBSE after the appellant passed his Class 10th Examination, on 28.05.2016.

4. It was the case pleaded by the appellant before the learned Single Judge that he joined National Defence Academy and after graduating therefrom, he joined the Indian Military Academy in the year 2021-2022. It was further pleaded that the appellant visited the Passport Sewa Kendra at Pune on 21.07.2023 for obtaining a passport where the passport authorities are said to have informed the appellant that an earlier passport stood issued in his name in the year 2000 where his DOB was mentioned as 14.09.1999.

5. It was also asserted by the appellant that on coming to know the DOB of the appellant was recorded as 14.09.1999 in the passport issued in his name in the year 2000, the appellant visited the website of Municipal Corporation of Delhi (*hereinafter referred to as 'MCD'*) wherefrom, he procured the birth certificate where his DOB is recorded as 14.09.1999. On the basis of this birth certificate issued on 26.11.2023, where his DOB is



recorded to be 14.09.1999, the appellant filed the underlying writ petition with the prayers which have already been mentioned above.

6. Learned Single Judge has dismissed the writ petition *vide* impugned judgment dated 16.04.2024 by placing reliance on the judgment of the Hon'ble Supreme Court in the case of ***Jigyada Yadav vs. CBSE & Ors. 2021 SCC OnLine SC 415*** wherein, it has *inter alia* been held that the Bye-Laws which would be applicable would be the Bye-Laws in force on the date when the certificate, in which the correction, has been sought was issued.

7. Learned Single Judge has further held that the certificate in which correction was sought was issued on 28.05.2016 and therefore, the procedure for change of DOB which was in force on the date of issuance of certificate, i.e. 28.05.2016 can be found in the Notification dated 25.06.2015 issued by the CBSE. The learned Single Judge has further observed that the said Notification provides that any application for correction of the DOB, duly forwarded by Head of the school in which candidate was studying, can be made only within one year from the date of declaration of the result. The period of one year for seeking correction of DOB has been upheld by learned Single Judge by referring to what has been held by the Hon'ble Supreme Court in ***Jigyada Yadav (supra)***.

8. Learned Single Judge quotes Clause (iv) at Serial No. 69.2 of the table contained in the CBSE Notification dated 25.06.2015 which reads as under:

"(iv) The application for correction in date of birth duly forwarded by the Head of School alongwith documents mentioned in byelaws 69.2(iii) shall be entertained by the Board only within one year of the date of declaration of result. No correction whatsoever shall be made on application submitted after the said period of one year."



9. Learned Single Judge has also noticed in the impugned order that application seeking correction of the DOB was required to be forwarded by the Head of the School and that the appellant never approached either the school where he had studied or even the CBSE before filing the writ petition. It has further been observed by learned Single Judge in the impugned judgment that in any case, any application to CBSE seeking correction of DOB would be barred by time in terms of provisions contained in Clause (iv) at Serial No. 69.2 of the Notification dated 25.06.2015 which has been extracted hereinabove.

10. The learned Single Judge has noted the fact that the certificate wherein change of DOB was being sought was issued on 28.05.2016 whereas the appellant was seeking change of DOB as recorded in the Secondary School Examination Certificate eight years after the certificate was issued.

11. It was argued before the learned Single Judge on behalf of the appellant that one year limitation will not be applicable for seeking correction. It was also pleaded on behalf of the appellant before the learned Single Judge in the proceedings of the writ petition that one year limitation for making correction in the DOB in the certificate will apply only to the CBSE, however, such limitation will have no application, in case correction is being sought by instituting the proceedings of a writ petition before this Court.

12. However, the learned Single Judge repelled the aforesaid submissions by observing that limitation stipulated by the CBSE in its Notification cannot be bypassed even in proceedings under Article 226 of the Constitution of



India on the principle that law does not permit doing something indirectly which cannot be done directly.

13. The prayer has thus, been refused by the learned Single Judge by observing that no such direction to the CBSE to correct the DOB in the appellant's Secondary School Examination Certificate can be issued eight years after the certificate was issued.

14. Challenging the impugned judgment, the proceedings of the instant intra-court appeal have been instituted.

15. We are in complete agreement with the findings recorded by the learned Single Judge in the impugned judgment for the reason that Hon'ble Supreme Court in *Jigya Yadav (supra)* has clearly held that fixation of time period for seeking correction in DOB in the certificate(s) issued by CBSE, as provided for by the Bye-Laws of the CBSE, has to be followed.

16. As already observed above, the procedure for change of DOB to be followed will be the procedure which would be applicable on the date of issuance of certificate depicting the DOB. The relevant Notification, thus, in this case would be the Notification dated 25.06.2016 wherein, a clear stipulation has been made that an application for correction in DOB shall be entertained by the CBSE only within one year of the date of declaration of the result and further that no correction whatever shall be made on applications submitted after the period of one year. The said Notification also provides that application for correction in the DOB has to be duly forwarded by the Head of the School along with certain documents.



17. In the instant case, admittedly, the appellant never moved any application to the CBSE seeking correction in the DOB. He has also not applied ever to the Head of the School, where he had studied, for forwarding his prayer seeking correction in DOB in the certificate issued by CBSE. Accordingly, we agree with the conclusion drawn by the learned Single Judge that prayer for correction in the DOB in the certificate issued by CBSE would be barred by time in terms of the provisions contained in the Notification of the CBSE dated 25.06.2016.

18. We also find ourselves in agreement with the observations made by the learned Single Judge that proceedings of writ petition under Article 226 of the Constitution of India cannot be permitted to be pressed to serve a cause which is otherwise barred by time.

19. Learned Single Judge has also observed that the appellant did not produce any other public document to support his cause except the two birth certificates issued by MCD wherein, two different dates of birth, namely, 14.09.2000 and 14.09.1999 are recorded. We may further note that these two birth certificates not only record different dates of birth of the appellant but also record different places of birth. In one certificate the place of birth recorded is Police Quarters, Naraina whereas in the other certificate, the place of birth recorded is Jaipur Golden Hospital.

20. Based on such documents, in our opinion, no relief as was prayed by the appellant before the learned Single Judge in the writ petition could have been granted and accordingly, the writ petition has rightly been dismissed.

21. Learned counsel for the appellant has relied upon certain judgments of this Court where certain directions have been issued for correcting the DOB



of a student to the CBSE. We will discuss the judgments and orders relied upon by learned counsel for the appellant one by one.

22. The first case where reliance has been placed by learned counsel for the appellant is an order dated 11.02.2026 passed by a learned Single Judge in *W.P.(C) 6554/2023 Smt. Nisha Ray vs. Central Board of Secondary Education & Anr.* If we analyse the facts of the said case, what we find is that the correction in the DOB in the said matter was sought on the basis of Aadhar Card and birth registration certificate issued under the Act, 1969. Thus, since in *Nisha Ray (supra)* correction in DOB was sought on the basis of certain public documents maintained by statutory authorities, a direction was issued for correction of DOB, however, in the instant case, as already observed above, no public document in support of the claim of the appellant, except the two contradictory birth certificates, are available on record. Therefore, reliance placed by learned counsel for the appellant in *Nisha Ray (supra)* is misconceived.

23. The second order relied upon by the learned counsel for the appellant is an order dated 27.03.2026 passed by a learned Single Judge of this Court *W.P.(C) 1592/2024, Aiman Talal Faiz Chishti vs. Central Board of Secondary Education.* In this case the date of birth of the student was mentioned as 21.12.2003 in the school records while he was admitted in Class 10th and accordingly, in his Class 10th marksheet also the DOB recorded was 21.12.2003. The student in the said case had applied to the school which had changed his DOB from 21.12.2003 to 11.12.2002 and accordingly, the prayer for direction to change the DOB was sought on the basis of change in the school records in *Aiman Talal (supra)* which is not the case here.



Therefore, reliance placed by learned counsel for the appellant on *Aiman Talal (supra)* is also misconceived.

24. The next case relied upon by learned counsel for the appellant is *CBSE v. Prema Evelyn D Cruz 2025 SCC OnLine Del 4243*. In the said case, there was no dispute about the DOB recorded in the birth certificate issued under the Act, 1969. The Division Bench of this Court in *Prema Evelyn (supra)* has held that there is a presumption of correctness of records maintained by the statutory authorities and therefore, the DOB recorded by Greater Chennai Corporation under the provisions of the Act, 1969 has to be taken as correct. It was thus, a case where there was no dispute about the DOB of the student recorded in the birth certificate issued under the Act, 1969.

25. In the instant case, however, we have already observed that there are two birth certificates on record which mention two different dates of birth of the appellant and accordingly, unless and until the dispute relating to DOB of the appellant is resolved by a competent court of law or by any other statutory mechanism available at a competent forum, giving a direction to the CBSE in the facts and circumstances of the instant case, would not be appropriate.

26. We, thus, do not find any good ground to interfere with the impugned judgment dated 16.04.2024 passed by the learned Single Judge whereby, the writ petition filed by the appellant has been dismissed.

27. Resultantly, the appeal is hereby dismissed.

28. Having observed as above, we also note that, there is yet another aspect of the matter. If we peruse both the birth certificates enclosed with the



instant appeal which were also on record of the writ petition, what we find is that both have been issued under the relevant provisions of Act, 1969 read with relevant Rules known as Delhi Registration of Births and Deaths Rules, 1999 (*hereinafter referred to as ‘Rules, 1999’*) which have been framed under Section 30 of the Act, 1969.

29. The Act, 1969 contains a complete statutory scheme which *inter alia* provides for appointment of Chief Registrar under Section 4 by the State Government, appointment of District Registrar under Section 6 by the State Government and appointment of Registrars under Section 7 of the said act. It also provides the procedure for registration of births and deaths. Section 12 of the Act, 1969 provides that once registration of birth and death has been completed, certificate extracted from the Registrar of births and deaths relating to such birth or death shall be issued in such form and manner as may be prescribed.

30. Section 15 provides for a mechanism for correction or cancellation of entry in the register of births and deaths. Section 25A provides a remedy of appeal if any person is aggrieved by any action or order of Registrar or District Registrar. Sections 15 and 25A of the Act, 1969, are extracted herein below:

“15. Correction or cancellation of entry in the register of births and deaths.—*If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.*



25A. Appeal. —(1) Any person aggrieved by any action or order of, —

(i) the Registrar, may prefer an appeal to the District Registrar; or

(ii) the District Registrar, may prefer an appeal to the Chief Registrar, within a period of thirty days from the date of such action or receipt of such order, as the case may be, in such form and manner as may be prescribed.

(2) The District Registrar or the Chief Registrar, as the case may be, shall decide the appeal referred to in sub-section (1) within a period of ninety days from the date of preferring of such appeal.”

31. The two birth certificates in the instant case, the one which was issued on 26.11.2023 and the other where birth of the appellant is said to be registered on 07.12.2002 are thus, extracts of the birth and death register as provided for under Section 12 of the Act, 1969.

32. Any correction in such certificate(s) may, thus, be sought by the appellant by approaching the appropriate authority under Section 15 of the Act, 1969 and if the appellant remains dissatisfied even after approaching the authority concerned under Section 15 of the Act, 1969, he has a remedy of appeal under Section 25A of the Act, 1969.

33. The claim of the appellant is that his correct DOB is 14.09.1999. In the first certificate it is described as 14.09.2000 whereas, in the second certificate it is described as 14.09.1999. Accordingly, we are of the opinion that instead of rushing to the Court, correction in the birth certificate issued under the Act, 1969 ought to have been sought by the appellant by approaching the appropriate authority under Section 15 of the Act, 1969 and thereafter prayer could have been made to CBSE to incorporate such correction in the certificate issued by it.



34. The Government of NCTD has framed certain rules under Section 30 of the Act, 1969 i.e., the Rules, 1999. Rule 11 of the said Rules, 1999 also provide certain procedure for correction or cancellation of entry in the register of births and deaths. Accordingly, in our opinion, the appellant ought to approach the authority concerned under Section 15 of the Act, 1969 read with Rule 11 of the Rules, 1999. Rule 11 of the Rules, 1999 is extracted herein below:

11. Correction or cancellation of entry in the register of births and deaths-

(1) If it is reported to the Registrar that a clerical or formal error has been made in the register or if such error is otherwise noticed by him and if the register is in his possession, the Registrar shall enquire into the matter and if he is satisfied that any such error has been made, he shall correct the error (by correcting or canceling the entry) as provided in section 15 and shall send an extract of the entry showing the error and how it has been corrected to the State Government or the officer specified by it in this behalf.

(2) In the case referred to in sub-rule (1) if the register is not in his possession, the Registrar shall make a report to the State Government or the officer specified by it in this behalf and call for the relevant register and after enquiring into the matter, If he is satisfied that any such error has been made, make the necessary correction.

(3) Any such correction as mentioned in sub-rule (2) shall be countersigned by the State Government or the officer specified by it in this behalf when the register is received from the Registrar.

(4) If any person asserts that any entry in the register of births and deaths is erroneous in substance the Registrar may correct the entry in the manner prescribed under section 15 upon production by that person a declaration setting forth the nature of the error and true of the case made by two credible persons having knowledge of the true facts of the case.

(5) Notwithstanding anything contained in sub-rule (1) and sub- rule (4) the Registrar shall make report of any correction of the kind referred to therein giving necessary details to the State Government or the officer specified in this behalf.

(6) If it is proved to the satisfaction of the Registrar that any entry in the register of births and deaths has been fraudulently or improperly made, he



shall make a report giving necessary details to the officer authorized by the Chief Registrar by general or special order in this behalf under section 25 and on hearing from him take necessary action in the matter.

(7) In every case in which an entry is corrected or cancelled under this rule, intimation thereof should be sent to the permanent address of the person who has given information under section 8 or section ”

35. Further, another course can also be said to be available to the appellant, who may approach a competent court of civil jurisdiction seeking a declaration of his correct DOB by instituting proceedings of an appropriate suit with appropriate prayers.

36. Accordingly, while dismissing the instant appeal we provide that it will be open to the appellant to seek appropriate remedy, which may be available to him under law, as discussed above, if he is so advised.

37. There will be no orders as to costs.

**(DEVENDRA KUMAR UPADHYAYA)
CHIEF JUSTICE**

**(TEJAS KARIA)
JUDGE**

JUNE04, 2026/MJ