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

Judgment reserved on: 30.07.2026
Judgment pronounced on: 16 .09.2026

+ **W.P.(C) 2690/2026**

PRABHAT SHAHI

.....Petitioner

Through: Ms. Suriti Chowdhary, Ms. Tanya
Sharma, Ms. Arushi, Advs

versus

NATIONAL INSTITUTE OF OPEN SCHOOLING (NIOS)

.....Respondent

Through: Mr. S. Rajappa, Gowrishankar and
Ms. G Dhivyasri, Advs.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

J U D G M E N T

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

“(i) Issue a Writ of Mandamus or any other Writ, Order or Direction directing the Respondent to correct the date of birth of the Petitioner in the Marksheet dated 09.12.2005 and Certificate issued by the Respondent for the Secondary School Examination (Class X) held in October 2005, bearing Roll No. 21003442077 and any other document issued by the Respondents relying upon the aforesaid



Marksheet and Certificate, after recording his correct date of birth, i.e., 10.02.1990 (as recorded in the Birth Certificate issued under the Registration of Births and Deaths Act, 1969), and to issue a fresh Marksheet and Certificate to the Petitioner after making the aforementioned correction within a time-bound period as this Hon'ble Court may deem fit and proper;

(ii) Issue an appropriate Writ, Order or Direction declaring that the Petitioner's Birth Certificate, issued by Municipal Corporation of Varanasi (under the Registration of Births and Deaths Act, 1969) records his correct date of birth, i.e., 10.02.1990;"

FACTUAL BACKGROUND AS PER THE PETITION

2. The petitioner appeared in the Class X exam in October 2005, bearing Roll No. 21003442077. His Mark sheet dated 09.12.2005 and the corresponding Certificate, however, recorded his date of birth as 10.02.1989 which is incorrect.
3. It is the case of the petitioner, that the erroneous entry was a clerical/typographical error. His date of birth is 10.02.1990 as consistently reflected in his Birth Certificate, school records, including the Bona Fide Certificate dated 25.01.2003 and Transfer Certificate dated 04.09.2004, as well as other public documents.
4. On discovering the same and to correct the typographical error, the petitioner approached the respondent for correction on 13.08.2018. The request was rejected on 06.09.2018 on the ground of limitation under the then-applicable bye-laws. The challenge to the said rejection before the Allahabad High Court was dismissed on



08.03.2019, without any finding on the correctness of the petitioner's actual date of birth.

5. On 06.07.2022, NIOS amended its bye-laws, providing for correction of genuine typographical or factual errors. In view of the law laid down in *Jigyada Yadav v. Central Board of Secondary Education*, (2021) 7 SCC 535, and the amended bye-laws, the petitioner submitted a fresh representation dated 14.10.2025, received by the respondent on 23.10.2025, along with supporting documents.
6. Since the respondent has failed to consider or decide the said representation, the petitioner filed the present petition seeking correction of his date of birth in the NIOS records and consequential issuance of a fresh Mark sheet and Certificate.

SUBMISSIONS ON BEHALF OF THE PETITIONER

7. Learned counsel for the petitioner submits that his correct date of birth is 10.02.1990, consistently reflected in his Birth Certificate, school records and other documents, whereas the NIOS Mark sheet and Certificate erroneously record it as 10.02.1989. It is submitted that the discrepancy is a mere clerical error. The petitioner's earlier request for correction was rejected in 2018 solely on the ground of limitation under the then-applicable bye-laws. The rejection was upheld by the Allahabad High Court on 08.03.2019, without any finding regarding the genuineness of the petitioner's documents or his actual date of birth.
8. It is contended that the legal and regulatory position has since undergone a material change. Reliance is placed upon *Jigyada Yadav* (*supra*) and *Prema Evelyn D'Cruz v. Union of India*, 2022 SCC



OnLine Del 4095 as affirmed in *CBSE v. Prema Evelyn D Cruz, 2025 SCC OnLine Del 4243*, to submit that genuine corrections in educational records cannot be rejected on hyper-technical grounds where the correct particulars are supported by authentic public documents.

SUBMISSIONS ON BEHALF OF THE RESPONDENT

9. Learned counsel for the respondent submits that the petitioner was admitted to NIOS in 2004 and, under the applicable regulations, correction of the date of birth was permissible only prior to the first examination or within three years from the date of registration. Though Notification No. 23/2022 subsequently extended the period to ten years from registration for specified cases, the said notification has since been superseded by Notification No. 7 dated 14.05.2026, which presently governs requests for correction of date of birth. It is further submitted that the petitioner had earlier challenged the rejection of his request before the Allahabad High Court, which dismissed the said writ petition on 08.03.2019 on the ground of limitation.
10. Learned counsel further relies upon *Board of Secondary Education of Assam v. Mohd. Sarifuz Zaman, (2003) 12 SCC 408*, to submit that correction of date of birth is subject to prescribed limitations and that delay/laches may defeat such a claim. It is contended that the petitioner's request, having been made beyond the permissible period, is barred by limitation and cannot be entertained by the respondent. The respondent accordingly seeks dismissal of the present petition.

ANALYSIS AND FINDINGS



11. I have heard the learned counsel for the parties and perused the materials on record.
12. The issue before me is a simple one, namely, the correction of the date of birth. The law in this regard is as clear as daylight, having been authoritatively settled by the Supreme Court in ***Jigyada Yadav (supra)***.
13. The relevant paragraphs of ***Jigyada Yadav (supra)*** read as under:

“135. The overriding State interest, as per the Board, to retain this stringency is nothing but efficiency of administration. Administrative efficiency, despite being a crucial concern, has not been and cannot be elevated to a standard that it is used to justify non-performance of essential functions by an instrumentality of the State. To use administrative efficiency to make it practically impossible for a student to alter her identity in the Board certificates, no matter how urgent and important it is, would be highly disproportionate and can in no manner be termed as a reasonable restriction. Reasonableness would demand a proper balance between a student’s right to be identified in the official (public) records in manner of her choice and the Board’s argument of administrative efficiency. To sustain this balance, it would be open to the Board to limit the number of times such alterations could be permitted including subject to availability of the old records preserved by it as per the extant regulations. But to say that post the publication of examination results and issuance of certificates, there can be no way to alter the record would be a case of total prohibition and not a reasonable restraint.”



136. The limitation as regards maximum period up to which changes can be permitted also requires a different approach. Upon receiving the certificates, the student would naturally be put to notice of the particulars of certificates. Due to young age and inadvertence including being casual and indolent, a student may fail to identify the errors or to understand the probable impact of those errors and accordingly, may not apply for rectification immediately. It is also possible that a student may not have to use the certificates immediately after passing out and by the time she uses them, the limitation period for correction may elapse. Therefore, a realistic time for permitting corrections is very important. Indeed, it can be commensurate with the statutory or mandatory period up to which CBSE is obliged to preserve its old record.

137. However, we need not explore upon the question as to whether the exercise of a fundamental right can be foreclosed by prescribing a rigid period of limitation. In case of any ordinary civil rights, it is important that the action for enforcement of such rights is initiated in prescribed time and consistency is maintained, but is it permissible to say the same about fundamental rights? The rights which are recognised as fundamental under the Constitution are “preferred or chosen freedoms” and a very sensitive and realistic approach has to be taken in such matters. We wonder whether after the lapse of prescribed time, let us say 3 years, there could be no reasonable and legitimate circumstances to warrant change of name.

...



141. One of the primary functions of the Board is to grant certificates to its students. Effective maintenance and regulation of standard of education would include complete accountability of the Board in grant of such certificates and its duty does not get extinguished after publication of examination results and issue of certificates. Rather, it extends to taking care of post-publication concerns of students as and when they emerge, as students seek to use their certificates for purposes of higher education and career opportunities. A narrow reading of the functions of the Board would leave glaring gaps in the field of school education and may jeopardise the welfare of students with legitimate concerns.

...

143. It would not be out of place to note that the two parties here — the Board and students — are not in an equal position of impact. In other words, the balance of convenience would tilt in favour of students. For, they stand to lose more due to inaccuracies in their certificates than the Board whose sole worry is increasing administrative burden. The obligation of Board to take additional administrative burden is no doubt onerous but the propensity of a student losing career opportunities due to inaccurate certificate is unparalleled. Illustratively, a juvenile accused of being in conflict with the law or a victim of sexual abuse whose identity gets compromised due to lapses by media or the investigative body, despite there being complete legal protection for the same, may consider changing the name to seek rehabilitation in the society in exercise of her right to be forgotten. If the Board, in



such a case, refuses to change the name, the student would be compelled to live with the scars of the past. We are compelled to wonder how it would not be a grave and sustained violation of fundamental rights of the student. In such circumstances, the avowed public interest in securing rehabilitation of affected persons would overwhelm the Board's interest in securing administrative efficiency. In fact, it would be against the human dignity of the student, the protection whereof is the highest duty of all concerned. A Board dealing with maintenance of educational standards cannot arrogate to itself the power to impact identity of students who enrol with it. The right to control one's identity must remain with the individual, subject, of course, to reasonable restrictions as observed above and as further discussed later.

144. The utility of certificates issued by the Board is not confined to educational purposes anymore. They serve a social purpose today and are often used to cross verify particulars like name and date of birth while applying for other government identity documents. They assume immense relevance while applying for various jobs, both public and private. Interestingly, CBSE itself has argued at length on the importance and authoritative value of their certificates. In such circumstances, an inaccuracy or denial of change could be fatal to a student's future prospects and all these concerns cannot be brushed aside in the name of administrative exigencies."

(emphasis added)



14. The reliance is also well placed on the judgment of Hon'ble Division bench in ***Prema Evelyn D Cruz (supra)***, wherein the record was directed to be corrected after a lapse of 22 years. Relevant paragraphs read as under:

“17. Upon a careful reading of the above extracted paragraphs, it is evident that public documents, such as an official birth certificate issued by the competent authority, carry a statutory presumption of correctness under the law. In the present case, there exists no cogent reason for the Board to disregard the said document. Accordingly, the Board is expected to take due notice of such statutory public documents and effect consequential corrections in the records of the Appellant.

18. In fact, the Hon'ble Supreme Court states that these documents would be in the nature of foundational documents and to safeguard it, the CBSE is permitted to call upon the person seeking such a change to fulfill certain further formalities which could be in the nature of a sworn affidavit making the necessary declaration and also indemnifying the Board, surrendering any earlier documents pertaining to or making a reference to the information that is now sought to be corrected, etc.

....

23. It is, in fact, for this reason that the Respondent herein had initiated various steps required for making necessary corrections in all relevant documents and ensuring that they were all in tandem and error-free. Failure to ensure the



documents being without errors would have jeopardized the entire future of the Appellant.

24. This Court fails to understand the vehemence with which the matter is being opposed. A citizen of this Country is entitled to a true and correct narration of all necessary and relevant particulars in the public documents that pertain to them. The CBSE is a record keeper of considerable importance, as has been elaborated by the Hon'ble Supreme Court in Jigya Yadav (supra) as well as by the learned Single Judge. The matriculation certificate of a person is considered an unassailable proof of date of birth.

....

26. There is thus an imminent need to ensure that all official documents are in consonance with each other, as this not only provides certainty regarding specific details contained in public documents but also helps preserve the identity of a citizen, with the date of birth being an essential facet.

(emphasis added)

15. The reliance placed by the respondent on the case of **Mohd. Sarifuz Zaman (supra)** is misplaced as the same had a different factual matrix. The Hon'ble Supreme Court differentiated the same in the case of **Jigya Yadav (supra)**. The relevant observations read as under:

“191. It can be noticed that apart from a wholly different factual matrix, the Court in Mohd. Sarifuz Zaman [Board of Secondary Education of Assam v. Mohd. Sarifuz Zaman, (2003) 12 SCC 408 : 5 SCEC 432] was dealing with a very narrow question of reasonability of the limitation period for



correcting clerical mistakes under the umbrella of a statutory law. The Court had no occasion to deal with circumstances wherein a person would want to change her name out of her free will in exercise of her guaranteed fundamental rights under the Constitution. The Court was looking at it as a purely civil transaction and in fact, treated it like one while speaking of how the expiry of limitation would entirely bar the remedy. As already observed above, we reiterate that we see a difference between rights originating under the civil laws and rights considered to be fundamental under the Constitution and protected as such. The exercise of a fundamental right can, at best, be regulated on reasonable grounds but not entirely foreclosed without a strong and legitimate purpose. Except that the dictum in Mohd. Sarifuz Zaman [Board of Secondary Education of Assam v. Mohd. Sarifuz Zaman, (2003) 12 SCC 408 : 5 SCEC 432] pertains to the specific facts of its case and also because no prejudice was actually caused to the student in that case (the changes were anyway permitted), we say no more.”

- 16.** Further as evident from the notification F. No .21-4/2022/NIOS/SSS/ ADM / 1015 dated 14.05.2026 which superseded the earlier notification, there is no time limit for correction of date of birth. The said notification reads as under:



राष्ट्रीय मुक्त विद्यालयी शिक्षा संस्थान NATIONAL INSTITUTE OF OPEN SCHOOLING

(स्कूल शिक्षा और साक्षरता विभाग, शिक्षा मंत्रालय, भारत सरकार के अंतर्गत एक स्वायत्त संस्था)
(An autonomous Institution under Dept. of SE&L, Ministry of Education (MoE), Govt. of India)

F.No.21-4/2022/NIOS/SSS/ADM/1015

Dated 14-05-2026

Notification - 07/2026

In pursuance to the recommendations of the committee constituted in connection with revision of the Rules, Regulations and Guidelines Effecting Corrections / Changes in the Admission Records of the NIOS. The revised norms are as under:

Sl. No.	Correction	Correction Norms	Document required for change/correction
1	Change in Learner's Name	Change in the name of learners will be considered.	1. Two Newspapers in which the desired change has been published. 2. Gazette Notification to this effect.
2	Correction in Learner's name, Mother's name and Father's name	Correction of spelling error, factual errors in learner's name, father's name and mother's name will be considered only through online mode	1. Valid documents issued by the concerned Municipal Corporation/Local Self Government/Office of the Circle Officer/Block Development Officer/ Sub Divisional Magistrate/ District Magistrate/Registrar of Birth and deaths/Unique Disability ID (UDID) Card/Passport issued by Govt. of India/School Leaving Certificate (SLC) NOTE: Certificate issued by Private Schools should be countersigned by District Education Officer. 2. A sworn affidavit on a non-judicial stamp paper of appropriate value prescribed by respective State, containing necessary declaration in support of the requested correction; and an undertaking indemnifying NIOS against any claims or disputes arising from such corrections by any third party.
3	Correction in Date of Birth	No change in the Date of Birth once recorded in the NIOS records shall be made. However, correction to rectify the genuine typographical error/factual errors will be considered only through online mode.	1. Valid documents issued by the concerned Municipal Corporation/Local Self Government/Office of the Circle Officer/Block Development Officer/ Sub Divisional Magistrate/ District Magistrate/ Registrar of Birth and deaths/ Unique Disability ID (UDID) Card/Passport issued by Govt. of India/ School Leaving Certificate (SLC) NOTE: Certificate issued by Private Schools should be countersigned by District Education Officer. 2. A sworn affidavit on a non-judicial stamp paper of appropriate value prescribed by respective State, containing necessary declaration in support of the requested correction; and an undertaking indemnifying NIOS against any claims or disputes arising from such corrections by any third party.

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Sharma

ए-24-25, इंस्टीट्यूशनल एरिया, सेक्टर-62, नोएडा-201309 (उ.प्र.) • दूरभाष : 0120-4089800/0120-4626900
A-24-25, Institutional Area, Sector-62, NOIDA-201309 (U.P.) • Phone : 0120-4089800/0120-4626900 • Website: www.nios.ac.in



4	Change of Mismatched Photograph	Change of mismatched photograph will be considered before appearing in the first examination.	1. Valid documents having Photo issued by the concerned Municipal Corporation/Local Self Government/Office of the Circle Officer/ Block Development Officer/ Sub Divisional Magistrate/ District Magistrate/ Registrar of Birth and deaths/ Unique Disability ID (UDID) Card/Passport issued by Govt. of India/ School Leaving Certificate (SLC) NOTE: Certificate issued by Private Schools should be countersigned by District Education Officer. 2. A sworn affidavit on a non-judicial stamp paper of appropriate value prescribed by respective State, containing necessary declaration in support of the requested correction; and an undertaking indemnifying NIOS against any claims or disputes arising from such corrections by any third party.
5	Administrative Fee (Per Correction)	Corrections for first three years shall be Rs.800/- Corrections after three years shall be Rs.1600/- Change in Photograph shall be Rs.800/-	

NOTE: Correction in Senior Secondary (12th) documents shall be based on Secondary (10th) passed documents only.

1. The learner has to surrender/ return the original certificates issued by the NIOS replacing the earlier certificates after carrying out necessary corrections and payment of requisite fee prescribed by the NIOS.
2. The Change/Correction is allowed as a one-time facility through the E-Service portal (sdmis.nios.ac.in).
3. This notification supersedes notification no. 23/2022, dated 06th July, 2022.

This issues with the approval of the Competent Authority.


Col. Shakeel Ahmed
Director (Student Support Services)

Distribution:

1. All Heads of Departments (HoDs), NIOS.
2. All Regional Directors, NIOS – with a request to upload the Notification on their respective Regional Centre websites.
3. SA/P – with a request to upload the Notification on the NIOS website.
4. Evaluation Department – with a request to ensure that the following remark is printed on duplicate documents: **Disclaimer: “Change/Correction in C/N or M/N or F/N or DoB or Photograph has been effected at the behest of the applicant. NIOS shall not be held responsible for the genuineness of the records produced in support of such request.”**
5. PS to Chairperson – for kind information of the Chairperson, NIOS.
6. Guard File.



“F.No.21-4/2022/NIOS/SSS/ADM/1015 Dated 14-05-2026

Notification- 7/2026

In pursuance to the recommendations of the committee constituted in connection with revision of the Rules, Regulations and Guidelines Effecting Corrections / Changes in the Admission Records of the NIOS. The revised norms are as under:

Sl. No.	Correction	Correction Norms	Document required for change/correction
1	Change in Learner's Name	Change in the name of learners will be considered.	1. Two Newspapers in which the desired change has been published. 2. Gazette Notification to this effect.
2	Correction in Learner's Name, Mother's name and Father's name	Correction of spelling error, factual errors in learner's name, father's name and mother's name will be considered only through online mode	1. Valid documents issued by the concerned Municipal Corporation/Local Self Government/Office of the Circle Officer/Block Development Officer/Sub Divisional Magistrate/District Magistrate/Registrar of Birth and deaths/Unique Disability ID (UDID) Card/Passport issued by Govt. of India/School Leaving Certificate (SLC) NOTE: Certificate issued by Private Schools should be countersigned by District Education Officer. 2. A sworn affidavit on a non-judicial stamp paper of appropriate value prescribed by respective State, containing necessary declaration in support of the requested correction; and an undertaking



			<i>indemnifying NIOS against any claims or disputes arising from such corrections by any third party.</i>
3	Correction in Date of Birth	<i>No change in the Date of Birth once recorded in the NIOS records shall be made. However, correction to rectify the genuine typographical error/factual errors will be considered only through online mode.</i>	<i>1. Valid documents issued by the concerned Municipal Corporation/Local Self Government/Office of the Circle Officer/Block Development Officer/Sub Divisional Magistrate/District Magistrate/Registrar of Birth and deaths/Unique Disability ID (UDID) Card/Passport issued by Govt. of India/School Leaving Certificate (SLC) NOTE: Certificate issued by Private Schools should be countersigned by District Education Officer. 2. A sworn affidavit on a non-judicial stamp paper of appropriate value prescribed by respective State, containing necessary declaration in support of the requested correction; and an undertaking indemnifying NIOS against any claims or disputes arising from such corrections by any third party.</i>
4	Change of Mismatched Photograph	<i>Change of mismatched photograph will be considered before appearing in the</i>	<i>1. Valid documents having Photo issued by the concerned Municipal Corporation/Local Self Government/Office of the</i>



		<i>first examination.</i>	<i>Circle Officer/Block Development Officer/Sub Divisional Magistrate/District Magistrate/Registrar of Birth and deaths/Unique Disability ID (UDID) Card/Passport issued by Govt. of India/School Leaving Certificate (SLC)</i> NOTE: <i>Certificate issued by Private Schools should be countersigned by District Education Officer.</i> 2. <i>A sworn affidavit on a non-judicial stamp paper of appropriate value prescribed by respective State, containing necessary declaration in support of the requested correction; and an undertaking indemnifying NIOS against any claims or disputes arising from such corrections by any third party.</i>
5	Administrative Fee (Per Correction)	<i>Corrections for first three years shall be Rs.800/- Corrections after three years shall be Rs.1600/- Change in Photograph shall be Rs.800/-</i>	
NOTE: Correction in Senior Secondary (12th) documents shall be based on Secondary (10th) passed documents only.			

1. The learner has to surrender/ return the original certificates issued by the NIOS replacing the earlier certificates after carrying out necessary corrections and payment of requisite fee prescribed by the NIOS.

2. The Change/Correction is allowed as a one-time facility through the E-Service portal (sdmis.nios.ac.in).



3. *This notification supersedes notification no. 23/2022, dated 06th July, 2022.*

This issues with the approval of the Competent Authority.

Col. Shakeel Ahmed Director

(Student Support Services)

Distribution:

1. *All Heads of Departments (HoDs), NIOS.*
 2. *All Regional Directors, NIOS – with a request to upload the Notification on their respective Regional Centre websites.*
 3. *SA/P – with a request to upload the Notification on the NIOS website.*
 4. *Evaluation Department – with a request to ensure that the following remark is printed on duplicate documents: Disclaimer: Change/Correction in C/N or M/N or F/N or DoB or Photograph has been effected at the behest of the applicant. NIOS shall not be held responsible for the genuineness of the records produced in support of such request.”*
 5. *PS to Chairperson – for kind information of the Chairperson, NIOS.*
 6. *Guard File.”*
17. The earlier rejection of the petitioner’s request in 2018 does not conclude the issue on merits. The said rejection was founded upon the limitation prescribed under the then-applicable bye-laws, and the challenge thereto was dismissed by the Allahabad High Court on 08.03.2019 without determination of the correctness or genuineness of the documents relied upon by the petitioner.
18. Admittedly as per the Counter Affidavit of the respondent the petitioner is governed by the notification dated 14.05.2026, which has superseded the earlier notification, provides for correction of date of birth without prescribing a time limit. Thus, the principal objection raised by the respondent regarding limitation cannot



survive in its earlier form. The respondent is required to consider the petitioner's representation in accordance with the regulatory framework presently governing such requests and in the light of the principles laid down by the Supreme Court in *Jigya Yadav (supra)*.

19. A perusal of the documents such as Aadhaar Card, Driving Licence, Passport, PAN Card, and school records such as the Bona Fide Certificate dated 25.01.2003 and the Transfer Certificate issued by Kendriya Vidyalaya as annexed with the petition all show that the Date of birth of the petitioner is 10.02.1990.
20. It is a settled law that a person cannot be made to carry two different dates of birth in official records, and an educational authority cannot perpetuate an apparent factual error merely because the error remained uncorrected for a considerable period. The concern of administrative convenience is undoubtedly legitimate, but it cannot override the obligation of a statutory educational authority to maintain accurate public records, particularly where the correction sought is of a genuine clerical or factual error.
21. If the typographical error is not corrected, the petitioner would effectively have two different dates of birth: one reflected in the official records and another in her Class X certificate. Such a situation is not only impractical but also impermissible in law.
22. Consequently, the present petition is allowed. The respondent is directed to correct the date of birth of the petitioner in its records from 10.02.1989 to 10.02.1990 and will issue the necessary corrected certificates to the petitioner.

JASMEET SINGH, J

SEPTEMBER 16th, 2026/DE