



2026:DHC:3832

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

*Judgment reserved on:27.04.2026*

*Judgment pronounced on:05.05.2026*

+ **W.P.(C) NO. 5617/2026**

SHAYAN AMIR

...Petitioner

Through: Mr Faiyaz Hasan, Mr. Nadeem  
Khan, Advs.

versus

CENTRAL BOARD OF SECONDARY EDUCATION (CBSE) & ORS.

...Respondent

Through: Mr. M.A. Niyazi Adv. SC for  
CBSE with Ms. Anamika Ghai Niyazi.  
Ms. Kirti Bharadwaj Adv., Ms. Nehmat  
Sethi Adv., Mr. Adnan Naqash Adv. for  
R-1.

Adv. Siddhant Nath (Standing Counsel  
MCD), Adv. Bhavishya Makhija, Adv.  
Amaan Khan, Advs. for R-2.

Mr. Puneet Mittal, Senior Advocate with  
Ms. Sakshi Mendiratta, Advocate for R-  
3.

**CORAM:**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**J U D G M E N T**



2026:DHC:3832

1. By way of this writ petition, the petitioner has approached this Court to seek directions against the respondent No. 1 i.e., Central Board of Secondary Education (“**CBSE**”) to correct the date of birth of the petitioner in the Class X<sup>th</sup> Certificate from 01.10.2003 to 01.10.2002.

### **BRIEF FACTUAL BACKGROUND AS PER THE PETITIONER**

2. The petitioner was born on 01.10.2002 at Holy Family Hospital, New Delhi and his father applied for the issuance of the birth certificate from the respondent No. 2/MCD, which was duly issued showing the date of birth of the petitioner as 01.10.2002.
3. The petitioner was issued a birth certificate by the Government of State of Uttar Pradesh erroneously mentioning his date of birth as 01.10.2003, on the basis of which the petitioner’s uncle admitted him to Delhi Public School, GBN Noida, and subsequently the petitioner appeared for Class X<sup>th</sup> Examination conducted by the respondent No. 1, and in the Class X<sup>th</sup> certificate the date of birth of the petitioner was recorded as 01.10.2003.
4. Recently, the petitioner applied for the issuance of a passport which was rejected on the ground that the petitioner is already having a valid passport in his name bearing date of birth 01.10.2003. The said passport being non traceable by the petitioner, he lodged a complaint in the P.S. Jamia Nagar regarding his missing passport. Consequently, a new passport bearing correct date of birth 01.10.2002 was issued to the petitioner by the competent authority.
5. The petitioner then made representations before the respondent No. 3 for correction of his date of birth but to no avail. Hence, the present petition has been filed.

### **SUBMISSIONS OF BEHALF OF THE PETITIONER**



2026:DHC:3832

6. Mr. Hasan, learned Counsel for the petitioner submits that this Hon'ble Court has granted relief in a similar matter bearing W.P. (C) No. 6554/2023, titled as "*Nisha Ray v. CBSE*" and the petitioner in the present petition is also similarly situated and seeking same relief of correction of date of birth.
7. He also states that there is no reason for the respondents to not acknowledge and make corrections in accordance with the public documents duly relied upon by the petitioner. No prejudice will be caused to the respondents by the requisite change sought *vide* the present petition.

#### **SUBMISSIONS OF BEHALF OF THE RESPONDENT NO. 1**

8. Mr. Niyazi, learned counsel for the respondent No. 1, raises an objection that the relief sought by the petitioner is barred by limitation as the petitioner has filed the same with inordinate delay and thus, the relief sought cannot be granted.
9. He also states that, the petitioner in the present case is having two valid birth certificates issued by competent authorities bearing different date of births i.e., 01.10.2002 and 01.10.2003.

#### **ANALYSIS AND FINDINGS**

10. I have heard the learned counsel for the parties and perused the documents placed on record.
11. In the present case, Mr. Hasan, learned counsel, has duly drawn my attention to the Annexure P-2 of the petition which is a birth certificate issued by the Municipal Corporation of Delhi, Government of National Capital Territory of Delhi under Section 12 & 17 of the Registration of Births and Deaths Act, 1969 showing the date of birth of the petitioner as 01.10.2002.



2026:DHC:3832

12. Additionally, he has also drawn my attention to the Aadhaar Card (Annexure P-1) and fresh passport bearing No. AM470390 (Annexure P-7) issued by competent government authorities showing the date of birth of the petitioner as 01.10.2002.
13. Mr. Niyazi, learned counsel for the respondent No. 1, states that the relief sought by the petitioner is barred by limitation. This controversy is settled by the Hon'ble Division Bench of this Court in its judgment titled ***Central Board of Secondary Education v. Prema Evelyn D Cruz and Anr.*** passed in LPA 171/2023, wherein the record was directed to be corrected after a lapse of 22 years. Paragraph Nos. 17, 18 ad 24 of the said judgment are relevant and 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*



2026:DHC:3832

*documents pertaining to or making a reference to the information that is now sought to be corrected, etc.*

...

*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 *Jigyā 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."*

14. Even in the judgement of *Jigyā Yadav v. CBSE, (2021) 7 SCC 535*, the Hon'ble Supreme Court has stated that there can only be one Date of Birth. The petitioner is and should be entitled to make a correction to make the document consistent with all public documents, namely, Aadhaar Card, Passport and the Birth Certificate.
15. In case the present petition is not allowed, the petitioner would be having two date of births, one shown in the Aadhaar Card, Passport bearing No. AM470390 and the Birth Certificate, and the other in the Class X<sup>th</sup> Certificate which is impermissible, contrary to law and cannot be allowed.
16. With respect to the contention raised by Mr. Niyazi that there are two valid birth certificates issued by competent authorities, I am not inclined to entertain this objection as the validity of any of the two certificates is not in question before this Court. The controversy before this Court is limited to the extent that the petitioner is seeking correction in his date of birth in the Class X<sup>th</sup> certificate to make it consistent with the other public



2026:DHC:3832

documents issued by government authorities. The date of 01.10.2002 as stated by the petitioner is consistent with his hospital records and the public documents namely, Aadhaar Card and Passport, which are government documents based on valid verification of entries therein and duly show the date of birth of the petitioner as 01.10.2002.

17. No prejudice in any case of correction of date of birth will be caused to the respondent No. 1/CBSE or any other respondent. Thus, there is no impediment in allowing the present petition to make the date of birth of the petitioner consistent in all of his public records.

### **CONCLUSION**

18. For all the aforesaid reasons, the present petition is allowed and the respondents are directed to correct the date of birth of the petitioner in the Class X<sup>th</sup> certificate from 01.10.2003 to 01.10.2002 to make it consistent with all the public documents.
19. The petition is disposed of in the aforesaid terms.

**05<sup>th</sup> MAY, 2026 /SS**

**JASMEET SINGH, J**