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

Delivered on: 17th July, 2026

+ **W.P.(C) 2158/2025**

MASTER AARAV GIRI THROUGH GUARDIAN MR.
ABHISHEK GIRI

..... Petitioner

Through: Mr. Sameer Rohatgi, Mr. Namit Suri,
Mr. Rameezuddin Raja, Mr. Preetpal
Singh and Mr. Anish, Advs.

versus

ST. COLUMBAS SCHOOL & ANR. Respondents

Through: Mr. Sachin Singh Dalal, Mr. Akshat
Singh and Mr. Joe Sebastian, Advs.
for R-1.
Mr. Atul Kumar and Mr. Arnab
Kumar, Advs. for R-2/CBSE.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

VIKAS MAHAJAN, J.

1. The present petition has been filed seeking following reliefs -

“(i) Issue a Writ of Mandamus or any other appropriate writ, order, direction directing the Respondents to rectify and/or amend its record to reflect the correct date of birth of the Petitioner being 23.04.2010”

2. The case set out in the present petition is that the petitioner was admitted to respondent no. 1/school [hereinafter referred to as ‘the school’] on 01.04.2014. At the time of the petitioner’s admission to kindergarten (KG), due to an inadvertent error on part of the parents of the petitioner, the petitioner’s date of birth was recorded in the school records as 23.03.2010 instead of 23.04.2010.



3. It is stated that the date of 23.04.2010, which the petitioner asserts to be the correct date of birth, is consistently reflected in all other public records of the petitioner. These include a date of birth certificate bearing registration no. MCDOLR10151635 issued on 05.04.2011 by the Sub-Registrar/Registrar of Births & Deaths, Delhi, the Aadhaar Card and the Passport of the petitioner, as well as the records of “Kolmet Hospital & Medical Research Centre” where the petitioner was born.

4. Further it has been stated that, the identity cards (IDs) issued to the petitioner by the school for Class V during the academic year 2019-2020 reflected the correct date of birth, i.e., 23.04.2010. Furthermore, this correct date of birth was also recorded in the identity cards issued for the academic years 2023-2024 and 2024-2025.

5. It is stated that the list as received by the school from respondent no.2/CBSE [hereinafter referred to as ‘CBSE’], which contains the name of the students registered with the CBSE on the basis of the data furnished by the school for class IX, also shows petitioner’s correct date of birth i.e. 23.04.2010 and that the list has also been signed by the petitioner’s parents.

6. Thereafter, it came to the knowledge of the petitioner that the school, while submitting the list of candidates to the CBSE, prior to the issuance of the Class X Board Examination admit cards for the academic session 2025-2026, had incorrectly mentioned the petitioner’s date of birth as 23.03.2010 instead of 23.04.2010.

7. Subsequently, the petitioner’s father submitted an application (Annexure P/10) to the Regional Officer of the CBSE, marking a copy thereof to the Principal of the school, requesting for the correction of petitioner’s date of birth. However, despite this request, no steps were taken



either by the school or by the CBSE to carry out the necessary correction in their records.

8. Mr. Sameer Rohatgi, learned counsel appearing on behalf of the petitioner, submits that in the year 2015, Directorate of Education, GNCTD issued a circular dated 31.07.2015 *vide* which the procedure for rectification in students date of birth, inadvertently recorded, was brought to the notice of the Heads of the Government Aided/Unaided Recognized Schools under Directorate of Education.

9. He submits that pursuant to the said circular dated 31.07.2015 notified by the GNCTD, necessary steps were taken in the academic year 2017-2018 by petitioner's parents, to rectify the date of birth of the petitioner inadvertently recorded in the records of the school.

10. He further submits that the said rectification was duly effected, as borne out from the fact that the identity cards (ID) for the academic years 2019-2020, 2023-2024, and 2024-2025 (Annexure P-8) were issued to the petitioner reflecting the rectified and correct date of birth, *i.e.*, 23.04.2010.

11. However, Mr. Rohatgi submits that, despite the aforesaid rectification of records, the school while filing up the forms for its students, who are scheduled to appear for the Class X CBSE Board Examination, prior to the issuance of the Class X Board Examination admit cards for the academic session 2025-2026, had incorrectly mentioned the petitioner's date of birth as 23.03.2010 instead of 23.04.2010.

12. He further submits that the correct date of birth is 23.04.2010, is further substantiated by various public documents. To buttress his contention, he invites attention of the Court to a birth certificate issued on 05.04.2011 by the Sub-Registrar/Registrar of Birth & Death, Delhi; the



Aadhaar Card and the Passport of the petitioner as well as the medical records of “Kolmet Hospital” where the petitioner was born. He submits that all the aforesaid documents consistently record the date of birth of the petitioner as 23.04.2010.

13. Furthermore, he submits that the petitioner’s father had made an application in the year 2024 to the school and CBSE for the correction of the date of birth, annexing all relevant statutory and public documents, however, the respondents had failed to respond to the same.

14. He submits that date of birth is an essential requirement for taking admission in colleges, both within India and abroad, which is determined on the basis of date being reflected in the marksheet of Class X certificate issued by the CBSE. If there is any discrepancy in the date of birth of the petitioner between the class X certificate and the other statutory and public documents, that will result in serious impediments, and would raise doubt about the petitioner’s identity.

15. *Per Contra*, Mr. Sachin Singh Dalal, learned counsel appearing on behalf of the school, submits that pursuant to the admission notification issued by the school for Kindergarten (KG) admissions for the academic session 2014-2015, eligibility was restricted to children/students born between 01.04.2009 and 31.03.2010.

16. He submits that the petitioner was granted admission in the school solely on the basis of the declared date of birth, i.e., 23.03.2010, as mentioned in the admission form which was duly signed by both the parents of the petitioner. He contends that this date fell squarely within the prescribed eligibility range of 01.04.2009 to 31.03.2010, as notified by the school. He argues that if the petitioner’s current prayer, claiming the date of



birth as 23.04.2010, is accepted, it would render the petitioner ineligible for admission for KG in the 2014-2015 academic session, thereby rendering the initial admission of the petitioner void *ab initio*.

17. Addressing the petitioner's reliance on the identity cards (ID cards) issued for the academic sessions 2019-2020, 2023-2024, and 2024-2025, Mr. Dalal, disputes the contention that the school had rectified the petitioner's date of birth in the year 2017. He clarifies that the identity cards relied upon by the petitioner are printed through an outsourced third-party agency. At no point in time did the school instruct this third-party agency to change the date of birth from 23.03.2010 to 23.04.2010. He submits that any discrepancy in the printed identity cards is a matter attributable to unauthorized or incorrect data entry by the third-party vendor, on the basis of information furnished by the parents of the petitioner.

18. Mr. Atul Kumar, learned counsel appearing on behalf of the CBSE, submits that the date of birth, i.e., 23.03.2010, which the petitioner now contends to be incorrect, was in fact mentioned and filled in the admission form by the parents of the petitioner themselves, at the time of seeking admission in the school.

19. He submits that, along with the admission application, a date of birth certificate was also annexed by the parents of the petitioner, in which the recorded date of birth of the petitioner was mentioned as 23.03.2010. He further submits that on the basis of this document only, the petitioner was granted admission. Consequently, the relevant entries were made in the admission register of the school, wherein the date of birth of the petitioner was duly recorded as 23.03.2010.



20. He further submits that the school while submitting the list of students/candidates to the CBSE for the purpose of registration for the Class X board examination, submitted the details of the petitioner, wherein the date of birth reflected was 23.03.2010. He submits that the CBSE cannot change the date of birth of the petitioner in its records as the present case is not a case of discrepancy where the date of birth of the petitioner in the CBSE's records does not match with the date mentioned in the school records.

21. He submits that as per the examination Bye-Laws of the CBSE, corrections can be effected by the CBSE essentially to ensure that the CBSE's records are consistent with the records maintained by the school. He submits that in the present case, the date of birth of the petitioner as reflected in the CBSE records is consistent with the records furnished by the school, therefore, no ground for correction of date of birth is made out.

22. Mr. Rohatgi, in rejoinder submits that, the Examination Bye-Laws of the CBSE are not mandatory statutory provisions, but are merely directory in nature and thus, cannot override genuine claims supported by public documents. He further submits that all the public documents annexed by the petitioner, *inter alia*, the Birth Certificate, Aadhaar Card, and Passport; enjoy a legal presumption of correctness as per the explicit provisions contained under Chapter V of the Indian Evidence Act, 1872 (and the corresponding Bharatiya Sakshya Adhiniyam, 2023). Such presumption arises in terms of Section 76 read with Sections 79 and 80 of the Indian Evidence Act, 1872.

23. Having heard the learned counsel for the parties, this Court notes that the short question which arises for consideration in the present petition is whether a direction can be given by the Court for the correction of date of



birth in the records of the CBSE, when the same is consistent with the records of school.

24. The relevant Bye-Laws of the CBSE, to which the attention of the Court was drawn by the learned counsel for the respondents, shows that the CBSE can correct the date of birth or other details in the certificate issued by it if the error is typographical in nature, so as to make it consistent with the school records. At the same time, the Bye-Laws also mention that the correction in the date of birth of candidates will be carried out provided such correction has been admitted by a Court of Law. Bye-Laws 69.2 and 69.3 of the CBSE Examination Bye-Laws dated 01.02.2018, which provide for the correction of the date of birth, are reproduced below:

“69.2

Change in Date of Birth

No change in the date of birth once recorded in the Board’s records shall be made.

69.3 (Correction in Date of Birth)

A. Correction as per the school records:

i. Corrections to correct typographical and other errors to make the certificate consistent with the school records can be made provided that corrections in the school records should not have been made after the submission of application form for admission to Examination to the Board.

ii. Such correction in Date of Birth of a candidate in case of genuine clerical errors will be made under orders of the Chairman where it is established to the satisfaction of the Chairman that the wrong entry was made erroneously in the list of candidates/application form of the candidate for the examination.

iii. Request for correction in Date of Birth shall be



forwarded by the Head of the School alongwith attested Photostat copies of:

- a) application for admission of the candidate to the School;
- b) Portion of the page of admission and withdrawal register where entry in date of birth has been made along with attested copy of the Certificate issued by the Municipal Authority, if available, as proof of Date of Birth submitted at the time of seeking admission; and
- c) the School Leaving Certificate of the previous school submitted at the time of admission.

iv. The application for correction in date of birth duly forwarded by the Head of school along with documents mentioned in byelaws 69.2(iii) shall be entertained by the Board only within **Five Years of the date of declaration of result**. No correction whatsoever shall be made on application submitted after the said period of Five Year.

v. **This rule will be applicable to all cases after Class X/XII 2015 examination onwards.**

B. Correction as per Courts Orders.

Applications regarding correction in date of birth of candidates **will be considered provided the correction have been admitted by the Court of law.**

In cases of correction in date of birth in documents after the court orders caption will be mentioned on the document “CORRECTION ALLOWED IN DATE OF BIRTH FROM _____ TO _____ ON (DATED) _____ AS PER COURT ORDER NO. _____ DATED _____.”

(emphasis supplied)

25. As can be seen from the above-quoted Bye-Laws, there is no impediment for the Court to order the correction of the date of birth for



reasons other than those for which the CBSE can independently carry out such correction. In other words, the discretion of the Court to order correction of the date of birth is not confined to make the CBSE records consistent with the school records.

26. The legality of the Bye-Laws of the CBSE was considered by the Hon'ble Supreme Court in the decision of ***Jigya Yadav vs CBSE, 2021 SCC OnLine SC 415***. The Apex Court also adverted to the question as to when a Court can order the correction of a date of birth when the CBSE certificate is consistent with the relevant information furnished in the school records. The Court observed that if there are public documents, such as a Birth Certificate, Official Gazette, Aadhaar card, or Election card, which enjoy a legal presumption of correctness in terms of the explicit provisions contained in Chapter V of the Evidence Act, 1872, a Court of Law would permit the desired change in the date of birth based on such documents. In the event that the party opposing the change rebuts the presumption or opposes the claim on any other ground, the Court would then permit the desired change only upon being satisfied as to the genuineness of such documents. The relevant extracts from the decision in ***Jigya Yadav*** (supra) read thus:

“160. The conditions regarding “correction” in name or date of birth are not as stringent as conditions applicable to change thereof. For correction in name, the 2018 Bye-laws provide for a limitation period of five years and permit such corrections that can be characterised as typographical, factual or spelling mistake in comparison with school records. Understandably, a correction would mean retention of the original record with slight modification to make it consistent with the school records. This requirement



of modification could be born out of various reasons, namely, typographical mistake at the time of publishing, spelling error or factual error i.e. an error of fact as it existed at the time when the certificate was published. Thus, correction in name is done to bring unanimity between the school records (as they existed at the time of sending information to the Board) and CBSE certificates. However, if school records are altered afterwards and Board is called upon to alter its certificates in light of the updated school records, the same cannot be termed as correction per se but would be in the nature of recording change. Therefore, substantially deviating from a “correction”, the Bye-laws provide for an option to “change” the name, which is subject to different conditions.

161. Similar provision is available for “correction” in date of birth, either on the basis of school records or on the basis of order of court. The word “change” is not used for date of birth as, unlike name, there can only be one date of birth and there can only be a correction to make it consistent with school record **or order of court**. It cannot be changed to replace the former with a fresh date of one's choice. Be it noted, provisions relating to correction in date of birth and name are just and reasonable and do not impose any unreasonable restriction on permissibility of corrections. The restriction regarding limitation period shall be examined later, along with other provisions.

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164. Suffice it to observe that frequent amendments in the Bye-laws have been made providing for different dispensations for the relevant period. For the nature of final directions that we propose to issue, it may not be necessary to dilate on the validity of the Bye-law concerned as amended from time to time. **Broadly, it can be noted that the Bye-law recognises two different dispensations.** First is to carry out modifications in the original certificate on request for making it consistent with the school records of the incumbent. **The second is to incorporate particulars in**



the original certificate which are different from the school records.

165. *Indisputably, the candidate would pursue further education and explore future career opportunities on the basis of school records including the CBSE Board. The CBSE maintains its official records in respect of candidate on the basis of foundational documents being the school records. Therefore, the CBSE is obliged to carry out all necessary corrections to ensure that CBSE certificate is consistent with the relevant information furnished in the school records as it existed at the relevant time and future changes thereto including after the publication of results by the CBSE. However, when it comes to recording any information in the original certificate issued by the CBSE which is not consistent with the school records, it is essential that the CBSE must insist for supporting public document which has presumptive value and in the given case declaration by a court of law to incorporate such a change. In that regard, the CBSE can insist for additional conditions to reassure itself and safeguard its interest against any claim by a third party/body because of changes incorporated by it pursuant to application made by the candidate.*

166. *In the concluding paragraph, we intend to issue directions to the CBSE Board in light of the discussion in this judgment. For the nature of uniform directions that we propose to issue so as to obviate any inconsistent approach in the cases under consideration including future cases to be dealt with by the CBSE Board, it is not necessary for us to dilate on the question of validity of the respective amendments in the relevant bye-laws effected from time to time.*

Point 3

Binding value of public documents

167. *Whether CBSE is obliged to effect changes in the certificates issued by it upon production of updated public documents (other than school records), is the next issue*



for consideration. According to the Board, it would not be permissible as it has no independent mechanism to verify the genuineness of the public documents. Even under the Bye-laws, there is no requirement for the Board to verify the genuineness of the documents. It is simply not the job of the Board.

168. The bye-laws provide for a two-tier mechanism for recording change of name or other details (as indicated above). One of them is prior permission or declaration by a court of law to be obtained. As regards public documents like birth certificate, Official Gazette, Aadhaar card, election card, etc. the same enjoy legal presumption of its correctness in terms of explicit provisions contained in Chapter V of the 1872 Act. The 1872 Act extends such presumption in terms of Section 76 read with Sections 79 and 80 of the 1872 Act and as in the case of Official Gazette under Section 81 of the same Act. Even other legislations concerning public documents attach equal importance to the authenticity of such documents including while making changes in their certificates to which we have alluded to in this judgment. Understood thus, there is no reason for the CBSE Board to not take notice of the public documents relied upon by the candidate and to record change on that basis in the certificate issued by it, for being consistent with the relied upon public documents. It matters not if the information furnished in the public documents is not entirely consistent with the school records of the incumbent. The CBSE while accepting those documents as foundational documents for effecting changes consistent therewith may insist for additional conditions and at the same time while retaining the original entry make note in the form of caption/annotation in the fresh certificate to be issued by it while calling upon the incumbent to surrender the original certificate issued by it to avoid any misuse thereof at a later point of time. It would be permissible for the CBSE to insist for a sworn affidavit to be given by the incumbent making necessary declaration and also to indemnify the CBSE. The fresh certificate to be issued by the CBSE may also contain



disclaimer of the Board clearly mentioning that change has been effected at the behest of the incumbent in light of the public documents relied upon by him. In addition, the incumbent can be called upon to notify about the change in the Official Gazette and by giving public notice as precondition for recording the change by way of abundant precaution.

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170. There is no difficulty in correcting CBSE record to bring it in conformity with the school record. The difficulty arises when a statutory document is not consistent with the school record. As observed earlier, the version supported by statutory documents could be reckoned for the purpose of correction in CBSE certificate to make it consistent with public documents.

171. Post 2018 amendment of Bye-laws, even in case of date of birth, corrections are permitted on two basis — to bring in conformity with school records and in pursuance of court order. The relevant provision reads thus:

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172. When a student applies to a court of law for prior permission and/or declaration and produces public document(s), the court would enter upon an inquiry wherein the legal presumption would operate in favour of the public document(s) and burden would shift on the party opposing the change to rebut the presumption or oppose the claim on any other ground. The question of genuineness of the document including its contents would be adjudicated in the same inquiry and the court of law would permit the desired change only upon verifying the official records and upon being satisfied of its genuineness. At the same time, the question of justiciability of the requested changes would be considered and only upon being satisfied with the need demonstrated by the student, the court would grant its permission. The said permission can then be placed before the Board along with copy of publication in the Official Gazette and requisite (prescribed) fee (if any). The Board would then have no



locus to make further enquiry nor would be required to enter upon any further verification exercise.”

(emphasis supplied)

27. In the present case, the petitioner has placed on record a birth certificate bearing registration no. MCDOLR10151635, issued on 05.04.2011 by the Sub-Registrar, Registrar of Births and Deaths, Delhi. This certificate, along with the petitioner's Aadhaar Card, Passport, and the records of "Kolmet Hospital & Medical Research Centre" where the petitioner was born, consistently reflect the date of birth of the petitioner as 23.04.2010.

28. The genuineness of above documents has not been disputed by the respondents. The stand of the respondents, however, is that at the time of the initial admission of the petitioner to Kindergarten (KG), the application form filled out by the parents specifically mentioned the date of birth as 23.03.2010.

29. Mr. Atul Kumar, learned counsel for the CBSE also submitted that along with the admission application form, a birth certificate was annexed by the parents which recorded the petitioner's date of birth as 23.03.2010. Likewise, Mr. Dalal contended that this was possibly done by the parents of the petitioner to make the child eligible for admission in the academic session 2014-2015, for which eligibility was strictly restricted to children born between 01.04.2009 and 31.03.2010.

30. On the other hand, the stand of the petitioner in the writ petition is that the mentioning of the date of birth as 23.03.2010 in the application form was an inadvertent error. However, a copy of another birth certificate, which has been placed on record by the respondents and indicates the petitioner's



date of birth as 23.03.2010, has not been controverted or specifically disputed by the petitioner.

31. It, thus, appears to the Court that at the time of admitting the petitioner in the school for the academic session 2014-2015 in Kindergarten (KG), a wrong was committed by the parents of the petitioner in furnishing an incorrect date of birth along with some supporting birth certificate. However, it is not in dispute that the petitioner has already passed Class X and Class XI and is now a student of Class XII in the school. Furthermore, it is also not the case of the respondents that the petitioner would have been ineligible to take the Class X board examination on the basis of his correct date of birth, i.e. 23.04.2010, as borne out from the contemporaneous public records.

32. At this distant point in time, when the petitioner has continuously and successfully pursued his education in the school for nearly a decade and has already passed Class X and Class XI, his initial admission to KG cannot be declared void *ab initio*, as sought to be contended by Mr. Dalal, merely on the ground that the parents of the petitioner furnished an incorrect date of birth, projecting the petitioner to be younger by one month at the time of his initial admission.

33. Furthermore, a wrong committed by the parents of the petitioner cannot be attributed to the petitioner, who was aged just about four years at the time of his admission and is still a minor.

34. The Court is also conscious of the fact that the date of birth is an essential requirement for securing admission into colleges, both within India and abroad, which is determined on the basis of the date reflected in the Class X certificate issued by the CBSE. If there is any inconsistency in the



date of birth of the petitioner as reflected in Class X certificate *vis-a-vis* other statutory and public documents, it will result in serious impediments, including, but not limited to, rejection or unnecessary delays in the admission process of the petitioner, besides raising doubt as his identity. The peculiar facts of the present case, therefore, warrant taking of a lenient view.

35. Accordingly, the Court is inclined to allow the writ petition and pass the following directions:

(i) The petitioner shall move an appropriate application(s) for the rectification of date of birth before the school and the CBSE, along with all the requisite documents, viz., the Birth Certificate, Aadhaar Card, and Passport, which reflect the date of birth of the petitioner as 23.04.2010.

(ii) Upon receipt of the application(s) from the petitioner, the school and the CBSE shall correct the date of birth of the petitioner in their internal records, and in the Class X CBSE certificate, respectively, in consonance with the date of birth as reflected in the petitioner's Birth Certificate issued on 05.04.2011, Aadhaar Card, and Passport. Such rectification shall be carried out by the respondents within a period of four weeks.

(iii) Further, the petitioner's correct date of birth, i.e., 23.04.2010 shall also be registered by the CBSE for the purposes of the Class XII Board Examinations, which the petitioner will be taking in the next year.

36. While the Court has come to the conclusion that no fault can be found with the petitioner, the parents of the petitioner cannot be allowed to go scot-free, as they appear to have deliberately furnished incorrect information



and a document with regard to his date of birth, and thereby resorted to unethical means. Therefore, this Court is of the view that the aforesaid directions shall be subject to the payment of exemplary costs.

37. For deciding the quantum of cost, the Court had posed a query to Mr. Rohatgi as regards the occupation of petitioner's father to ascertain his financial standing. On instructions, Mr. Rohatgi informs that the father of the petitioner is running schools. In these circumstances, the Court is of the view that imposition of cost of Rs.2,00,000/- will serve the ends of justice. Accordingly, the directions mentioned in Para 35 shall be subject to payment of cost of Rs.2,00,000 /-, to be deposited by the petitioner's parents within a period of two weeks.

38. The Court was also informed that the school does not have an EWS students' quota or any corpus fund for students belonging to such category, where the said cost could be deposited. Thus, it is directed that the said amount shall be deposited by the petitioner's parents with the Delhi High Court Bar Association (DHCBA). The DHCBA will utilize the said entire amount **only for supporting the education/higher education of the children of the staff of DHCBA.**

39. With the aforesaid directions, the present writ petition, along with pending applications, if any, stands disposed of.

VIKAS MAHAJAN, J.

JULY 17, 2026
N.S. ASWAL/jg