KADW020019562026

Presented on : 17.03.2026
Registered on : 24.03.2026
Decided on : 01.08.2026
Duration : 0 years, 4 months, 15 days

**IN THE COURT OF THE II ADDITIONAL CIVIL JUDGE AND JMFC II., DHARWAD.**

**Present:** Sri. Yallappa Kallapur.,
**B.A., L.L.B., L.L.M.**
II Addl. Civil Judge & JMFC II.,
Dharwad.

**O.S. No.247/2026**

**Dated, on this the 01st day of August 2026**

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**PLAINTIFF** : Nakiyunnisa D/o Akbarsab Nadaf,
Age: 20 years,
Occ: Student,
R/o Badiger Plot,
Madihal Road,
Near Vidyaranya High School,
Dharwad

*(By Sri.S.G.Kundagol, Advocate)*

Vs.

**DEFENDANTS** 1) The State of Karnataka,
R/by Deputy Commissioner,
Dharwad District,

Dharwad

2) The Deputy Director of Public Instructions,
Dharwad

3) The Block Education Officer,
Tq/Dist: Dharwad

4) The Head master,
Basel Mission English Medium High School,
Station Road,
Dharwad

5) The Secretary,
Karanataka Secondary Education Examination Board,
Bengaluru

*(D1 to 4 By Ld. ADGP.,*
*D5 – placed Exparte)*

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|---|---|---|---|
| 1. | Nature of the suit | : | Declaration and Mandatory Injunction |
| 2. | Date of Institution of the Suit | : | 24.03.2026 |
| 3. | Date of commencement of evidence | : | 21.07.2026 |
| 4. | Date of Judgment pronounced on | : | 01.08.2026 |

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|---|---|---|---|---|
| 5. Total duration | : | Year/s | Month/s | Day/s |
| | | 00 | 04 | 08 |

**(Sri. YALLAPPA KALLAPUR)**
**II ADDL.CIVIL JUDGE & JMFC-II,**
**DHARWAD**

## J U D G M E N T

The present suit is filed by the plaintiff seeking the relief of declaration that, the correct date of birth of the plaintiff is '16.06.2007' and the relief of mandatory injunction directing the defendants to rectify the date of birth of plaintiff as '16.06.2007' in the school records of the plaintiff.

2. **Brief facts of the plaintiff's case is as follows;**

It is pleaded by the plaintiff that she has completed her 1st to 10th standard at the defendant No.4 school and at the time of admission at the defendant No.4 school, the father of the plaintiff had given proper and her correct date of birth as 16.06.2007 to the defendant No.4 authorities. But due to oversight, her date of birth has been wrongly mentioned as 16.06.2006 instead of 16.06.2007 in the 10th marks card. The true and correct date of birth is 16.06.2007. Accordingly, in her all other documents i.e., birth certificate, leaving certificate, study certificate, aadhaar card

her date of birth is recorded as 16.06.2007 except in the 10th marks card.

3. Further pleaded that the said mistake came to her knowledge at the time admission to higher education. Thereafter plaintiff along with her parents requested the defendant No.4 to rectify her date of birth in the 10th marks card. But the school authorities refused to do so and directed to produce order or decree from the competent court. Hence she has constrained to file the present suit.

4. After proper service of summons the defendant Nos.1 to 4 appeared through their counsel and the defendant No.5 neither appeared before the court nor filed the written statement. The defendant No.2 filed the written statement. The defendant No.2 filed the written statement denying the plaint averments and prayed to dismiss the suit. The defendant Nos.1, 3 & 4 adopted the written statement of the defendant No.2.

5. Upon consideration of the pleadings adduced by the both parties, the documents and other materials placed on record, this court has framed following:

***ISSUES***

1. Whether plaintiff proves that, his true and correct date of birth is 16.06.2007?

2. Whether plaintiff proves that, defendant authority wrongly entered his date of birth in his school records as 16.06.2006 instead of 16.06.207?

3. Whether the plaintiff is entitled for the relief of mandatory injunction as sought for?

4. Whether the plaintiff is entitled to the relief sought for?

5. What order or decree?

6. The plaintiff in order to prove her case, examined herself as PW-1 and got marked Ex. P.1 to 4. PW-1 was cross examined by Ld., counsel for the defendant Nos.1 to 4.

7. On the other other hand the defendants have not submitted any evidence on their behalf.

8. Heard the Ld., counsels for the plaintiff and defendants. Perused the materials on record.

9. The finding of this court on the aforementioned issues are as follows:

Issue No.1: In the Affirmative

Issue No.2: In the Affirmative

Issue No.3: In the Affirmative

Issue No.4: In the Affirmative

Issue No.5: As per the final order

for the following:

**REASONS**

**10. Issue Nos.1 to 4:** Since aforementioned issues are interlinked together, for the sake of convenience and avoid repetition of same facts they are discussed together.

11. The plaintiff in order to prove her case, examined herself as PW-1 by way of affidavit in lieu of examination in chief wherein she reiterated the plaint averments and got marked Ex. P.1 to 4. Ex. P.1 is the Aadhar card of PW1. Ex. P2 and 3 are the study certificates. Ex.P.4 is the SSLC marks card. The PW-1 was cross examined by Ld., counsel for the defendant Nos.1 to 4.

12. Upon perusal of the Ex.P.1 and 2, all these documents are the adhar card and school study certificate of the plaintiff wherein the date of birth of the plaintiff is appeared as 16.602007. After careful perusal of the Ex.P4 SSLC marks card, the date of the birth is appeared as 16.062006. After careful perusal of the adhar card and school study certificate of the plaintiff, her date of birth is appeared as 16.62007. From this it is very much clear that the defendants authorities have wrongly

entered the date of birth of the plaintiff in her SSLC marks card as 16.62006 and further it is clear that the defendant authorities have wrongly entered the date of birth of the plaintiff in her SSLC marks card. Therefore the documents which are produced by the plaintiff pertaining to her date of birth clearly discloses that her date of birth is 16.6.2007.

13. Moreover the defendants have not led any defendants evidence in support of their case. At this stage, it is better to mention the Judgment passed by the Hon'ble Apex Court in AIR 1999 SC 1441 in the case of Vidyadhar V/S Manik Rao as follows:

> *"Where a party to the suit does not appear into the witness box and states is own case on oath and does not offer himself to be cross examined by the other side, a presumption would arise that the case set up by him is not correct. Court can draw the presumption under section 114 of Evidence Act against a party who did not enter into the witness box".*

14. In view of the above decision although the defendants have filed written statement, they have not given any evidence and not given any opportunity for cross examination.

Therefore, adverse inference can be drawn against the defendants.

15. As per the documentary evidence on record, it is seen that the date of birth of the plaintiff is wrongly mentioned as 16.06.2006 instead of 16.06.2007.

16. It is relevant at this stage to refer to a decision of the Hon'ble Apex Court in *Jigya Yadav v. C.B.S.E* (Civil Appeal No.3905/2011 DD on 03-06-2021) with regard to the duty of the state to adhere to the changing needs of its citizens, wherein the Hon'ble Supreme Court observed as follows:

> *"136. What emerges from the above analysis is that the government(s) is cognizant of its duty to upgrade its identity records in tune with changing requirements of the citizens. From reasons purely personal to reasons flowing from life events such as marriage, death or migration, the authorities are responsive to the changing needs of citizens. As per the nature of identity, changes are permissible. In light of the clear dicta in National Legal Services Authority and K.S. Puttaswamy, it is bounden duty of all state instrumentalities to play the role of enablers in the exercise of rights by the citizens, including to correct their records owing to purely personal choices of the citizens. For instance, "gender" is an evolving concept which could warrant changes in identity documents. In such cases,*

*too much insistence on disclosure of reasons could be invasive to privacy. Though, in an ultimate analysis, this exercise of examining the reasons has to be left to the court of law empowered to permit changes in a specific factual scenario."*

17. Therefore, keeping in mind the future prospects of the plaintiff herein is not subject to any hindrance, this Court is inclined to rely in favour of the proposition that the correct date of birth of the plaintiff is ‘‘16.06.2007’’ and the defendants authorities is also wrongly entered date of birth of the plaintiff as 16.06.2006 instead of 16.06.2007. Therefore the plaintiff is entitled to relief of mandatory injunction as sought for. Therefore, in light of the same, this Court answers Issue Nos. 1 to 4 in the Affirmative.

**18. Issue No.5:** In view of the above issues this Court passes the following:

**ORDER**

The suit of the plaintiff is hereby decreed.

It is hereby declared that the correct date of birth of the plaintiff is ‘16.06.2007’.

The defendants are hereby directed to rectify the correct date of birth of the plaintiff as ‘16.06.2007’ in the school records and 10th marks card of the plaintiff, in accordance with law.

Draw decree accordingly.

*(Dictated to the stenographer, directly on computer and typed by her, corrected, initialed and then pronounced by me in the Open Court on this the **01st day of August 2026)**.*

**(Sri. Yallappa Kallapur)**
**II Addl. Civil Judge & JMFC II,**
**Dharwad.**

**-:ANNEXURE:-**

1. List of Witnesses examined on behalf of plaintiff:

PW.1 : Nakiyunnisa Akbarsab Nadaf

2. List of documents marked on behalf of plaintiff:

| | | |
|---|---|---|
| Ex.P.1 | : | Aadhaar card |
| Ex.P.2 & 3 | : | Study certificates |
| Ex.P.4 | : | SSLC Marks card |

3. List of witnesses examined on behalf of defendant:

- Nil -

4. List of documents marked on behalf of defendant:

-NIL-

**(Sri. Yallappa Kallapur)**
**II Addl. Civil Judge & JMFC-II,**
**Dharwad.**