

HRRHA00001912025



Presented on : 15-07-2025
Registered on : 15-07-2025
Decided on : 02-07-2026
Duration : 0 years, 11 months, 18 days

IN THE COURT OF
Additional Civil Judge (Senior Division) AT Maham,Rohtak
Presided Over by Sh. Amit Sheoran

CS/130/2025

Muskan daughter of Sanjay son of Azad Singh, R/o Saman, Tehsil Meham,
District Rohtak.

... Plaintiff

Versus

1. Board of School Education Haryana, Bhiwani, through its Secretary office at Bhiwani.
2. govt. Girls Sr. Sec. School, Saman through its Principal at village Saman, Tehsil Meham, District Rohtak.

....Defendants.

SUIT FOR MANDATORY INJUNCTION

Present: Sh. S.K. Ghoglia, ld. counsel for plaintiff.
Defendant no. 1 exparte VOD 30.8.2025.
Defendant no. 2 is exparte VOD 15.11.2025.

JUDGMENT

The plaintiff has filed the present suit seeking relief of mandatory injunction directing the defendants to correct the date of birth of the plaintiff as 05.8.2004 in the 10th & 12th Mark sheets of the plaintiff.

VERSION OF PLAINTIFF:-

2. In nutshell, the plaintiff had passed her secondary examination in March, 2019 and defendant no. 1 issued a certificate bearing no. AU-154697, enrollment no. 18-1-RO-313-0039 and roll no. 2019466063. Plaintiff also passed her senior secondary examination in April, 2021 and defendant issued a certificate bearing no. AX-165875, enrollment no. 18-1-RO-313-0039 and roll no. 3021477794. Now, plaintiff came to know that her date of birth has wrongly been entered in these examination certificates as 05.6.2004 instead of 05.8.2004. The correct date of birth of the plaintiff is 05.8.2004 but in the school records, the defendants have wrongly entered her date of birth as 05.6.2004. In the birth certificate of the plaintiff, her date of birth is correctly mentioned as 05.8.2004. The plaintiff requested the defendants no. 1 & 2 and served the notice for correcting her date of birth in the school records but they did not pay any heed towards the request of plaintiff. Hence, the present suit.

VERSION OF DEFENDANTS:-

3. Despite notice none turned up on behalf of the defendants and accordingly, defendant no. 1 was proceeded against ex-parte vide order dated 30.8.2025 and defendant no. 2 was proceeded against exparte vide order dated 15.11.2025.

EX-PARTE EVIDENCE OF PLAINTIFF:-

4. In ex-parte evidence, the plaintiff examined following witnesses and tendered following documents:-

PW1	Ms. Muskan.
PW2	Sh. Sanjay.
PW3	Sh. Rajender.
Documents	
Ex.P1	Copy of secondary examination certificate of plaintiff.
Ex.P2	Copy of senior secondary examination certificate of plaintiff.
Ex.P3	Copy of birth certificate of plaintiff.
Ex.P4	Photocopy of aadhar card of the plaintiff.
Ex.P5	Photocopy of family ID of the plaintiff.
Ex.P6	Photocopy of PAN card of plaintiff.
Ex.P7	Legal notice dated 27.6.2025.
Ex.P8 & P9	Postal receipts.

5. Thereafter, the plaintiff has closed her ex parte evidence by making a separate statement on 18.12.2025.

6. Ld. counsel for plaintiff argued that actual date of the birth of the plaintiff is 05.8.2004 instead of 05.6.2004. In support of his argument, he drew the attention of the Court towards Birth Certificate of the plaintiff wherein, her date of birth is mentioned as 05.8.2004. Therefore, in view of the evidence led on record, which remains un-rebutted the plaintiff has been able to prove her case and accordingly a decree of mandatory injunction be granted in her favour.

FINDINGS:-

7. The contentions raised by Ld. counsel for the plaintiff have been carefully considered in the light of the material placed on record. Law is well

settled that even if the defendants choose not to contest the case, the plaintiff has to prove her case by leading positive evidence. Now coming to the evidence led by the plaintiff in order to prove her case, the plaintiff has proved on record Birth Certificate Ex.P3, wherein her date of birth is mentioned as 05.8.2004. Therefore, there is no issue with regard to the identity of the plaintiff. Further, the name of father of the plaintiff is same both in the Birth Certificate as well as in the documents of the plaintiff. A conjoint reading of all these documents leads to only one conclusion that the Birth Certificate Ex.P3 pertains to plaintiff only. Now as regards the date of birth mentioned in the School Certificates, there is considerable force in the contentions raised by ld. counsel for the plaintiff that the entries in the Date of Birth Certificate should prevail over the entries in the School Certificate. In view of this, the contentions raised by Ld. Counsel for the plaintiff that this mistake in School Certificate might have occurred due to inadvertence or due to wrong particulars furnished at the time of admission of the plaintiff in the School, is not without merit. Moreover this evidence led by the plaintiff remains un-rebutted as despite service the defendants choose not to contest the case.

8. Pertinent it is to mention that in case of contradiction between Birth certificate and educational records the birth certificate issued by Registrar Birth and Death is more authentic and more value is attached to it than the detail supplied by the parents and the student in educational records. Therefore, in view of law laid down in **Reshma Singh Versus Union of India 2009 (1) CCC (P&H) 653**, primacy has to be accorded to the date of birth

reflected in birth certificate. It has further been held that Registrar of Birth and deaths is a public record of births and deaths that occur within the area assigned to Registrar. Therefore, the presumption of truth attaches thereto. Since, the birth certificate in the present case reflects date of birth of the plaintiff as 05.8.2004. Hence, the same is liable to be corrected as 05.8.2004 in the educational certificate and documents.

RELIEF:-

9. In view of discussion and reasoning given above as the plaintiff has been able to prove his case by preponderance of probabilities, present suit is decreed with no order as to costs. The defendants are accordingly directed to rectify the date of birth in educational documents i.e. Secondary and Senior Secondary Examination Certificate as 5.8.2004 on payment of requisite charges, if any. Decree sheet be prepared. File be consigned to the record room, after due compliance.

Note: This judgment contains 5 pages and each page has been checked and signed by me.

Pronounced in open Court:
Dated: 02.7.2026.

(Amit Sheoran)
Addl. Civil Judge (Sr. Div.),
Meham, UID No. HR0430.

Sunny Dua, Stenographer Gr.II.

Present: Sh. S.K. Ghoglia, ld. counsel for plaintiff.
Defendant no. 1 exparte VOD 30.8.2025.
Defendant no. 2 is exparte VOD 15.11.2025.

Ex-parte arguments heard.

Order pronounced.

Vide separate judgment, the suit of the plaintiff is hereby decreed with no order as to costs. Decree sheet be prepared accordingly. File be consigned to record room after due compliance.

(Amit Sheoran)
Addl. Civil Judge (Sr. Div.),
Meham, UID No. HR0430.
Dt. 02.7.2026.

Sunny Dua, Stenographer Gr.II