

Ashish Kumar Vs. BSEH etc.

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HRRH020017692023



Presented on : 16-10-2023
Registered on : 16-10-2023
Decided on : 29-07-2026
Duration : 2 years, 9 months, 13
days

**IN THE COURT OF
Civil Judge (Junior Division) AT ,Rohtak
Presided Over by Sh. Himanshu Arya**

CS/1154/2023

Anjali daughter of Sh. Sukhbir Singh resident of Village Kiloj Khas Tehsil
and District Rohtak.

.....Plaintiff.

Versus

1. Board of School Education Haryana, Bhiwani through its Secretary.
2. Baba Nagar Das High School, Kiloj (Rohtak) through its
Headmaster/Principal.

.....Defendants

SUIT FOR DECLARATION & MANDATORY INJUNCTION

Present: Sh. R.K. Suhag, counsel for the plaintiff.
Defendant no. 1 proceeded ex parte VOD 05.01.2024.
Defendant no. 2 proceeded ex parte VOD 20.01.2025.

JUDGMENT:

1. The present suit has been filed by the plaintiff against the
defendants seeking rectification in her date of birth in her Secondary

Examination Certificate issued by defendant no. 1.

BRIEF FACTS:

2. Brief facts of the plaint are that the correct date of birth of the plaintiff is 12.6.1997 as is clear from the enclosed photocopy of Certificate of Birth issued by Sub Registrar, Birth Death, Municipal Corporation, Rohtak. The plaintiff was student & the and studying in school (Defendant no.2) and her date of birth has wrongly been recorded and mentioned as 12.7.1999. Subsequently in the certificate having passed Secondary Examination, the date of birth of the plaintiff was wrongly recorded as 12.7.1999. Further from the record maintained by Sub Registrar, it is very clear that the correct date of birth of the plaintiff is 12.6.1997 and not 12.7.1999 but the defendants while issuing certificate of having passed Secondary Examination, the date of birth of the been mentioned as plaintiff has wrongly 12.7.1999. There is no fault of the plaintiff. The fault is of defendants. It is submitted here that the members of the family of plaintiff gave correct date of birth of plaintiff but the defendants in their record and in the certificate have mentioned the wrong date of birth. The plaintiff had appeared in Secondary Examination vide Roll No.2212679099. This certificate was issued on June 6, 2013. In the Aadhar card also, the correct date of birth of plaintiff has been mentioned as 12.6.1997. A news item to this effect was also got published, copy enclosed. The plaintiff asked the defendants for correction but they stated that this can be done court only by orders. The school (defendant no. 2) is affiliated to defendant no. 1. Hence, this suit.

3. Notice was duly served upon the defendants but despite that defendants did not appeared before the Court and were proceeded exparte.

EVIDENCE:

4. During exparte evidence the plaintiff examined her mother Omi as PW1 and tendered following documents. No other witness was examined. Following documents were tendered.

Evidence	
PW1	Omi W/o Sukhbir
PW2	Anjali
PW3	Ashok Kumar, JSN, MC Rohtak.
PW4	Manju, Principal
PW5	Sandeep
Documents	
Ex. P1	Copy of adhar card of Anjali
Ex. P2	Birth Certificate of Anjali
Ex. P3	Mark Sheet of 10th Class
Ex. P4	Mark Sheet of 12th Class
Ex. P5	Original Certificate of Baba Nagar Dass High School
Ex. P6	Zimni orders
Ex. P7	Copy of plaint
Ex. P8	Affidavit of Anjali
Ex. P9	Written Statement
Ex. P10	Replication
Ex. P11	Statement of withdrawal
Ex. PW3/A	Copy of Birth and Death Register
Ex. PW4/A	Examination Result Register
Ex. PW4/B	Admission and Withdrawal Register
Ex. PW5/A	Authority Letter
Ex. PW5/B	Gazette Sheet

5. No other evidence was tendered and plaintiff evidence was

closed by the learned counsel for plaintiff.

6. I have gone through the case file minutely and have heard the ld. counsels at length. My issue wise findings along with reasons are as follows.

FINDINGS:

7. The burden was upon the plaintiff to prove that the correct date of birth of Anjali is 12.06.1997 and same needs to be rectified in impugned document.

8. In order to prove this plaintiff examined Omi as PW1 and tendered her affidavit statement as Ex.PW1/A wherein all the contents of the plaint are reiterated. Plaintiff also proved all the documents from Ex.P1 to Ex. P11.

Plaintiff further examined Anjali as PW2 and tendered her affidavit statement as Ex. PW2/A wherein all the contents of the plaint are reiterated.

Plaintiff further examined Ashok Kumar JSN, M.C. Rohtak as PW3, Manju Principal as PW4 and Sandeep as PW5 and supported the case of the plaintiff at length.

9. To prove the correct date of birth of Anjali, plaintiff tendered adhar card Ex. P1 and copy of birth certificate as Ex. P2 which are material document. The above said document is prepared by Government department and carry presumption of genuineness along with them. There is nothing to rebut the genuineness of these documents. They all are duly proved. As per the document the correct date of birth of plaintiff is

12.06.1997.

10. It cannot be ruled out that due to inadvertent and unintentional mistake on the part of plaintiff herself wrong dates were entered in the educational documents of the plaintiff. But the plaintiff cannot be made to suffer life long for this mistake. These documents are necessary for further studies and future endeavours.

Hence this issue is decided in favour of the plaintiff and against the defendants.

RELIEF:

11. Consequent upon the aforesaid discussion, this suit is decreed without cost to the effect that the defendants are directed to rectify the Secondary School Examination Certificate to the effect that the plaintiff's correct date of birth is 12.06.1997. Decree sheet be prepared accordingly. File be consigned to the record room after due compliance.

Announced in open Court.
Dated: 29.07.2026

Himanshu Arya
Civil Judge (Junior Division),
Rohtak. UID No.HR0681

Note: - All pages of this judgment have been dictated checked and signed by me.

Dated: 29.07.2026

Himanshu Arya
Civil Judge (Junior Division),
Rohtak. UID No.HR0681

Sumit, Stenographer Gr.II

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Present: Sh. R.K. Suhag, counsel for the plaintiff.
Defendant no. 1 proceeded exparte VOD 05.01.2024.
Defendant no. 2 proceeded exparte VOD 20.01.2025.

Exparte arguments heard. Now to come up on after lunch for orders.

Dated: 29.07.2026
Himanshu Arya
Civil Judge (Junior Division)
Rohtak. UID No.HR0681

Present: Sh. R.K. Suhag, counsel for the plaintiff.
Defendant no. 1 proceeded exparte VOD 05.01.2024.
Defendant no. 2 proceeded exparte VOD 20.01.2025.

Judgment pronounced. Vide my separate judgment consequent upon the aforesaid discussion, this suit is decreed without cost to the effect that the defendants are directed to rectify the Secondary School Examination Certificate to the effect that the plaintiff's correct date of birth is 12.06.1997. Decree sheet be prepared accordingly. File be consigned to the record room after due compliance.

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