

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 4618/2026

Chenchu D/o Bhaga Ram, Aged About 49 Years, Through Her Natural Guardian Father Bhaga Ram S/o Raimal Ram Abed 49 Years R/o Meghwalon Ki Dhani Mannwar Bhamnu Tehsil And District Phhalodi (Raj)

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary Department Of Education Government Of Rajasthan Jaipur
2. Board Of Secondary Education Rajasthan Ajmer, Through Its Director Rajasthan Ajmer
3. The Principal Govt Higher Secondary School, Bamanu District Phalodi

----Respondents

For Petitioner(s)	:	Mr. D.L.R. Vyas.
For Respondent(s)	:	Mr. B.L. Bhati, AAG.

HON'BLE MR. JUSTICE SANJEET PUROHIT

JUDGMENT

- | | |
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| 1. Date of conclusion of arguments | 04.05.2026 |
| 2. Date on which judgment was reserved | 04.05.2026 |
| 3. Whether the full judgment or only the operative part is pronounced : | Full Judgment |
| 4. Date of pronouncement | 25.05.2026 |

1. Present writ petition has been filed by petitioner – a minor, through her natural guardian, laying challenge to order dated 29.01.2026 passed by respondent – Board of Secondary Education, Rajasthan, Ajmer, whereby the representation filed on behalf of petitioner for correction of her date of birth in the mark-sheet of Class X has been rejected.

2. Explaining the background facts of the case, learned counsel for the petitioner submitted before this Court that petitioner's correct date of birth is 17.06.2010, to establish which various documents of petitioner have been placed on record, including the birth certificate, Aadhaar Card and the mark-sheet of Class V. It is, however, stated that while forwarding the particulars of petitioner to respondent – Board, the school authorities had wrongly mentioned her date of birth as 03.03.2008, which consequently came to be recorded as such in the mark-sheets of Class VIII and Class X.

2.1 It is submitted that upon noticing aforesaid discrepancy, petitioner approached respondent-Board by way of application dated 13.01.2025 along with requisite supporting documents seeking correction of her date of birth in the mark-sheet of Class X. Since said application remained undecided, petitioner earlier approached this Court by filing S.B. Civil Writ Petition No. 4665/2025, which came to be disposed of vide order dated 15.10.2025 (Annexure-9) with a direction to respondent-Board to consider and decide a fresh representation to be submitted by petitioner within a period of one month.

2.2 Pursuant thereto, petitioner submitted a fresh application dated 11.11.2025 (Annexure-10), however, the same has been rejected by respondent-Board vide order dated 29.01.2026 (Annexure-11) on the premise that there exists no discrepancy inasmuch as the date of birth recorded in the Class X mark-sheet is in consonance with the school record, more particularly, the date as recorded in the mark-sheet of Class VIII.

2.3 Aggrieved thereby, petitioner has approached this Court by way of instant writ petition.

3 Learned counsel for the petitioner submits that impugned order dated 29.01.2026 is wholly mechanical and fails to take into account the entirety of documentary evidence placed on record. It is urged that all documentary evidence produced, including the Aadhaar card, birth certificate, and Class V mark-sheet, consistently record petitioner's date of birth as 17.06.2010.

3.1 It is further submitted that petitioner acted with due diligence and approached the authorities immediately upon receiving the Class X mark-sheet. Additionally, it is pointed out that the date of birth of petitioner's elder brother is 08.07.2008; thus, if petitioner's date of birth is taken as 03.03.2008, it would result in an improbable gap of merely four months between the two, which renders the entry inherently unreliable.

3.2 Learned counsel further submitted that petitioner belongs to Scheduled Caste Community and her parents are illiterate. It is submitted that the discrepancy in date of birth has caused serious prejudice to petitioner, inasmuch as she is facing difficulty in filling application forms for examinations and is also unable to avail benefits under the reservation policy of government. It is argued that said discrepancy has created impediments in petitioner's academic progression and, if left unrectified, is likely to adversely affect her future educational and career prospects. Therefore, it is prayed that date of birth in the Class X mark-sheet be corrected in the interest of justice.

3.3 In support of his contentions, learned counsel for the petitioner has placed reliance upon judgment dated 20.12.2016 passed by this Court at Jaipur Bench in the case of **Mehul Bhargava v. Chairman**, reported in **(2017) 3 RLW 1925**.

4. Per contra, learned counsel for the respondents submits that no case for interference is made out, inasmuch as there exists no discrepancy warranting correction by respondent-Board. It is contended that the date of birth recorded in the mark-sheets of Class VIII and Class X is identical and is in consonance with the school record, and therefore, no rectification is called for. It is further submitted that in the event the petitioner disputes the correctness of such entries, the appropriate remedy would lie before a competent civil court, as such disputed questions of fact cannot be adjudicated in exercise of writ jurisdiction under Article 226 of the Constitution of India.

4.1 Learned counsel has further placed reliance on the Instruction Booklet-2020 (Anudeshika-2020), particularly Clause 5(4) thereof, to contend that impugned order has been passed strictly in accordance with the prescribed procedure, upon due verification of the school record and the particulars reflected in the mark-sheets. It is, thus, submitted that impugned order does not suffer from any illegality or infirmity warranting interference by this Court.

5. Heard learned counsel for the parties and perused the material available on record.

6. Upon perusal of material available on record, this Court finds that petitioner had taken admission in Government Higher

Secondary School, Bhamanu, after completing her Class II from Shri Ambe Public Upper Primary School, Bhamanu, Phalodi, in the year 2016. The transfer certificate issued at the time of such admission reflects her date of birth as 03.03.2008. However, it has been averred on behalf of petitioner that at the stage of filling up forms for the Class V Board examination, the school authorities had called upon petitioner's father to furnish requisite documents, pursuant to which the date of birth came to be correctly recorded as 17.06.2010 in the Class V mark-sheet. Thereafter, despite such correction in the school record, the earlier incorrect entry appears to have been perpetuated, resulting in the date of birth being recorded as 03.03.2008 in the mark-sheets of Class VIII and Class X.

7. At this stage, it becomes necessary to examine whether the date of birth as reflected in the mark-sheets of Class VIII and Class X become conclusive. Following documents have been placed on record to substantiate the claim of petitioner: -

- i. Aadhaar card, issued on 28.10.2016;
- ii. Birth Certificate, issued on 14.02.2018;
- iii. Class V Board mark-sheet, dated 09.05.2019.

It is pertinent to note that each of aforesaid documents reflects the date of birth of petitioner as 17.06.2010 and, more importantly, predates the issuance of mark-sheets of both Class VIII and Class X, which came to be issued subsequently in the years 2022 and 2024, respectively. The fact that these documents were issued prior in time to the issuance of the disputed mark-sheets lend them considerable evidentiary value and cannot be

overlooked. It is also borne from the material placed on record that petitioner has studied in the same school since after her transfer as stated above.

8. This Court also finds weight in the contention raised on behalf of petitioner that if petitioner's date of birth is taken to be 03.03.2008, it would imply a difference of merely three months between her and her brother, whose date of birth is stated to be 8.07.2008 and is substantiated by his Class X mark sheet issued by respondent Board itself. Such a consequence renders the disputed entry inherently improbable and lends further corroboration to petitioner's case that the date of birth as reflected in Class VIII and Class X mark-sheets is erroneous.

9. In this view of the matter, this Court is of the considered opinion that the school record of petitioner could not have been viewed in a fragmented manner by confining the inquiry merely to the transfer certificate and the entries reflected in the later mark-sheets. Once the Class V mark-sheet itself reflected the date of birth as 17.06.2010, respondent-Board ought to have examined the entire chain of records holistically and, once a discrepancy became apparent from the material placed before it, undertaken further verification before rejecting the claim outright.

10. Insofar as the reliance placed by respondents on the *Anudeshika-2020* is concerned, Clause 5(4) is extracted below for ready reference: -

“5. परीक्षार्थी के नाम, पिता, माता के नाम एवं जन्मतिथि के संशोधन के सम्बंध में :-

(4) नियमानुसार कार्यालय अभिलेखों में जन्मतिथि, छात्र का नाम पिता का नाम अथवा माता का नाम एक बार पंजीकृत हो जाने के पश्चात साधारणतः उसमें कोई भी

संशोधन स्वीकार नहीं किया जाता है, परन्तु केवल ऐसे मामलों में ही जहां पूर्व शाला की टी.सी. व परीक्षार्थ आवेदन पत्र अग्रेषित करने वाली शाला के प्रवेश प्रार्थना-पत्र में अन्तर हो अथवा प्रवेश प्रार्थना-पत्र से छात्र पत्रक में अथवा छात्र पत्रक से भेजे गये परीक्षार्थ आवेदन पत्र में विद्यालय द्वारा प्रविष्टियाँ करने में कोई अशुद्धि रह गई हो तो सम्बन्धित शाला के मूल रिकॉर्ड यथा स्कॉलर रजिस्टर, प्रवेश प्रार्थना-पत्र व पूर्व शाला की टी.सी. मय फोटो प्रतियों के जो कि शाला प्रधान द्वारा सत्यापित की गई हो के साथ जांच हेतु इस कार्यालय में भेजने पर ही जन्मतिथि, छात्र/छात्रा के नाम, पिता के नाम अथवा प्रविष्टियों में सुधार करने पर विचार किया जा सकता है, अन्य किसी भी दशा में नहीं।

A plain reading of said provision reveals that correction of date of birth is permissible in cases of discrepancies arising on account of erroneous entries made by the school while transmitting particulars from one stage to another.

11. In the present case, there exists a clear discrepancy between the date of birth as mentioned in the transfer certificate and the mark-sheet of Class V. In these circumstances, the Court is of the opinion that respondent-Board fell in error in construing the provision in a restrictive manner and in declining to examine the record holistically.

12. Reliance may appropriately be placed upon the case of **Mehul Bhargava** (supra), wherein this Court at Jaipur Bench, in a matter involving discrepancy between the passport of petitioner-student and the mark-sheet of Class X, held as follows: -

"9...In any case, justice needs to be done by taking a liberal approach in the matter because due to a bona fide mistake of the mother, a candidate should not suffer otherwise his career would be ruined. The petitioner would not be in a position to study further due to variation in the date of birth."

10. In view of the discussion made above, the writ petition is allowed. The order dated 17.11.2016, issued by the Central Board of Secondary Education is set aside with direction to the respondents to amend the date of birth of the petitioner. It should be recorded as 22.3.1999 in the certificate of Class X instead of 22.3.2000 and the petitioner may be issued a certificate of Class X accordingly."

The observations made in aforesaid judgment aptly apply to the facts of present case. Respondent-Board ought to have approached the case with greater sensitivity instead of insisting upon technicalities, particularly where the future of a student is at stake and no element of fraud or misrepresentation is discernible. It is more so because the discrepancy is clearly borne out from the conspectus of the documents produced on record.

13. As regards period of limitation, this Court notes that office order dated 26.02.2021 prescribes a period of limitation of five years for seeking correction of date of birth from the date of examination. The petitioner approached respondent-Board promptly, by way of application dated 13.01.2025, upon issuance of Class X mark-sheet dated 29.05.2024, and, thereafter, pursued the matter diligently, including by approaching this Court earlier. Thus, the application was clearly made well within the period of limitation.

14. The contention of the respondents that petitioner ought to have approached a civil court is also found to be untenable. The present case does not involve seriously disputed questions of facts requiring oral evidence. The issue turns on the appreciation of undisputed documentary material already on record, and in such

circumstances, the matter cannot be said to be beyond the scope of adjudication by this Court under its writ jurisdiction.

15. In this regard, reliance may be placed upon the often-quoted extract from ***ABL International Ltd. v. Export Credit Guarantee Corpn. of India Ltd., (2004) 3 SCC 553***, which is reproduced hereunder: -

"16. A perusal of this judgment though shows that a writ petition involving serious disputed questions of facts which requires consideration of evidence which is not on record, will not normally be entertained by a court in the exercise of its jurisdiction under Article 226 of the Constitution of India. This decision again, in our opinion, does not lay down an absolute rule that in all cases involving disputed questions of fact the parties should be relegated to a civil suit. In this view of ours, we are supported by a judgment of this Court in the case of Gunwant Kaur v. Municipal Committee, Bhatinda [(1969) 3 SCC 769] where dealing with such a situation of disputed questions of fact in a writ petition this Court held: (SCC p. 774, paras 14-16)

"14. The High Court observed that they will not determine disputed question of fact in a writ petition. But what facts were in dispute and what were admitted could only be determined after an affidavit-in-reply was filed by the State. The High Court, however, proceeded to dismiss the petition in limine. The High Court is not deprived of its jurisdiction to entertain a petition under Article 226 merely because in considering the petitioner's right to relief questions of fact may fall to be determined. In a petition under Article 226 the High Court has jurisdiction to try issues both of fact and law. Exercise of the jurisdiction is, it is true, discretionary, but the discretion must be exercised on sound judicial principles. When the petition raises questions of fact of a complex nature, which may for their determination require oral evidence to be

taken, and on that account the High Court is of the view that the dispute may not appropriately be tried in a writ petition, the High Court may decline to try a petition. Rejection of a petition in limine will normally be justified, where the High Court is of the view that the petition is frivolous or because of the nature of the claim made dispute sought to be agitated, or that the petition against the party against whom relief is claimed is not maintainable or that the dispute raised thereby is such that it would be inappropriate to try it in the writ jurisdiction, or for analogous reasons.

15. From the averments made in the petition filed by the appellants it is clear that in proof of a large number of allegations the appellants relied upon documentary evidence and the only matter in respect of which conflict of facts may possibly arise related to the due publication of the notification under Section 4 by the Collector.

16. In the present case, in our judgment, the High Court was not justified in dismissing the petition on the ground that it will not determine disputed question of fact. The High Court has jurisdiction to determine questions of fact, even if they are in dispute and the present, in our judgment, is a case in which in the interests of both the parties the High Court should have entertained the petition and called for an affidavit-in-reply from the respondents, and should have proceeded to try the petition instead of relegating the appellants to a separate suit."

17-18...

19. Therefore, it is clear from the above enunciation of law that merely because one of the parties to the litigation raises a dispute in regard to the facts of the case, the court entertaining such petition under Article 226 of the Constitution is not always bound to relegate the parties to a suit. In the above case of Gunwant Kaur [(1969) 3 SCC 769] this Court even went to the extent of holding that in a writ petition, if the facts require, even oral evidence can be

taken. This clearly shows that in an appropriate case, the writ court has the jurisdiction to entertain a writ petition involving disputed questions of fact and there is no absolute bar for entertaining a writ petition even if the same arises out of a contractual obligation and/or involves some disputed questions of fact."

16. In view of the foregoing discussion, this Court is of the considered opinion that the reason recorded by respondent-Board that no discrepancy exists in the record is unsustainable, being founded on a selective and incomplete consideration of the material available on record. Accordingly, impugned order dated 29.01.2026 is quashed and set aside.

17. Respondent-Board is directed to carry out necessary correction in the petitioner's date of birth in the mark-sheet of Class X, recording the same as 17.06.2010, in place of 03.03.2008, within a period of 30 days from the date of receipt of a certified copy of this order.

18. With these observations and directions, instant writ petition stands **disposed of**.

19. All pending applications, including the stay application, also stand disposed of.

(SANJEET PUROHIT),J