



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Special Appeal (Writ) No. 713/2026
URN: SAW / 1523U / 2026

Board Of Secondary Education, Rajasthan, Through Its
Secretary, Ajmer (Raj.)

-----Appellant

Versus

Annu D/o Shri Karan Singh, Aged About 24 Years, R/o Village
Ban-Gothari, Tehsil - Surajgarh, Distt. Jhunjhunu, Raj.

-----Respondent

For Appellant(s) : Mr. Mirza Faisal Baig
For Respondent(s) : Mr. Naveen Dhuwan

**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE MANEESH SHARMA**

Order

08/07/2026

1. The present special appeal has been filed by the Board of Secondary Education, stating that directions could not have been issued to the Board to necessarily change the date of birth in the 10th Class birth certificate, and that reliance placed upon the judgment passed by the Co-ordinate Bench of this Court in the matter of **Shourya Dadhich Vs. Board of Secondary Education & Anr.; S.B. Civil Writ Petition No.432/2020** (decided on 27.01.2020) wherein reference was made to an order passed by this Court in the matter of **Arpit Agarwal Vs. Central Board of Secondary Education & Ors.; S.B. Civil Writ Petition No.4362/2017**, was erroneous. In **Shourya Dadhich (supra)**, the following conclusions were reached:



"4. After considering the submissions made by counsel for the parties and also the judgment of the Co-ordinate Bench of this Court in the matter of Arpit Agarwal (*supra*), in my view the petition filed by the petitioner deserves to be allowed for the reasons; firstly, in the Aadhar Card, Birth Certificate, Passport and Driving Licence, the date of birth of the petitioner has been recorded as 27.05.1997; secondly, no prejudice would be caused to the respondents while changing the date of birth in the school record and mark-sheet of the petitioner.

5. In that view of the matter, the writ petition filed by the petitioner is allowed and the petitioner is directed to submit an application in the office of respondents for change/correction in his date of birth alongwith required documents and a certified copy of this order. On his doing so, the respondents are directed to make necessary correction i.e. change in date of birth of the petitioner in the school record and Certificate of Class 10th, from 27.05.1999 to 27.05.1997 within a period of one month.

6. The petitioner is directed to deposit a cost of Rs.5,000/- in the office of the respondents along with the application form."

2. He further invited our attention to the judgment passed by the Hon'ble Supreme Court in the matter of **Jigya Yadav (MINOR) (THROUGH GUARDIAN/FATHER HARI SINGH) Vs. Central Board of Secondary Education And Others; (2021) 7 SCC 535**, to submit that the change in date of birth, representation will have to be examined by the Board itself at the initial level. Still if there is any grievance, then the concerned person would have the right to approach the concerned Civil Court.

3. Faced with this arguments, learned counsel for the respondent submits that the respondent may be allowed to submit the relevant supporting documents in respect of praying for a



change of date birth in his Class Xth Certificate and that the Board may be directed to consider and take a decision thereon.

4. We are in agreement with the counsel for appellant and hold that this Court would not be authorized for change the date of birth, accordingly, the judgment passed by learned Single Judge, wherein directions were issued to change the date of birth is set aside.

5. However, we direct the Board of Secondary Education to examine the documents of the candidate and if it is found that necessary change in date of birth is required, the same may be made as per their own decision. If, however, they reach to a conclusion that the date of birth is not required to be changed, they shall pass a reasoned and speaking order. The respondent would thereafter be free to take up the matter before the learned Civil Court to prove otherwise.

6. With these observations, the present special appeal is accordingly partly allowed.

7. The Stay Application No.10743/2026, as well as other pending applications, if any, stand disposed of.

(MANEESH SHARMA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ

9/Seema