

JUDGMENT SHEET.
ISLAMABAD HIGH COURT, ISLAMABAD,
JUDICIAL DEPARTMENT.

Civil Revision No.20/2019.

Muhammad Ali etc **Vs.** **Federal Board of Intermediate
and Secondary Education
(FBISE), Islamabad.**

Petitioners by: **Mr. Binyamin Abbasi, Advocate.**

Respondent by: **Ch. Imtiaz Ahmed, Advocate. Afsar
Ali Khan, UDC, FBISE.**

Date of Decision: **15.10.2019.**

MOHSIN AKHTAR KAYANI, J:- Through this civil revision petition, the petitioners have assailed judgment & decree dated 20.12.2018, passed by learned District Judge Islamabad (West), whereby the appeal filed by the respondent against the judgment & decree dated 27.10.2018, passed by Civil Judge 1st Class, Islamabad (West) Islamabad was allowed and the suit filed by the petitioners was dismissed.

2. Learned counsel for the petitioners contends that the petitioners filed a suit for declaration for correction of their date of births in Secondary School Certificate (SSC), which was decreed vide judgment & decree dated 27.10.2018, however, the appeal filed by the respondent was accepted vide judgment and decree dated 20.12.2018 and suit of the petitioners was dismissed; that correct date of birth of petitioner No.1 is 20.12.1999 instead of 20.09.1998 and correct date of birth of petitioner No.2 is 11.05.2001 instead of 11.01.2000; that learned District Judge has not appreciated the law on the subject and has ignored the public record of birth certificates of the petitioners Exh.P.1 and Exh.P.2 as well as form-B/Exh.P.3 and relied upon the record of Federal Board of Intermediate and Secondary Education; that the petitioners' mother Azizan Bibi appeared before the Trial Court as P.W.1 and took stance that the entries in the educational record were made incorrect inadvertently, which are liable to be corrected.

3. Conversely, learned counsel for the respondent contends that the birth certificates issued by Government of Punjab Exh.P.1 and Exh.P.2 were prepared

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and issued on 10.01.2013 i.e. after 13 years of the birth and as such the original dates were amended in the subsequent record, which cannot be accepted as true; that the petitioners themselves mentioned their dates of birth in the admission forms for Secondary School Certificate as 20.09.1998 and 11.01.2000 and signed the said admission forms with counter signatures of their father, even the dates were typed in the relevant columns, therefore, there is no probability of mistake while mentioning the date in admission forms; that learned Appellate Court has rightly appreciated the law on the subject.

4. I have heard the arguments and perused the record.

5. Perusal of the record reveals that the petitioners are aggrieved of judgment & decree of Appellate Court dated 20.12.2018, whereby the appeal filed by the respondent was allowed against the judgment & decree of Trial Court dated 27.10.2018, whereby the respondent was directed to correct the dates of births of the petitioners in Secondary School Certificates in terms of section 42 of Specific Relief Act, 1877.

6. As per claim in the plaint, petitioner No.1 claims his date of birth as 20.12.1999 instead of 20.09.1998, whereas petitioner No.2 younger brother of petitioner No.1 claims his date of birth as 11.05.2001 instead of 11.01.2000 on the strength of Form- B/Exh.P.3 issued by NADRA on 13.01.2014 alongwith birth certificates issued by Government of Punjab Exh.P.1 and Exh.P.2 dated 10.01.2013 but surprisingly all these documents were prepared after 13 years of birth of the petitioners and the petitioners have not produced any evidence, through which it could be proved that correct date of birth of the petitioners are 20.12.1999 and 11.05.2001.

7. Mother of the petitioners Mst. Azizan Bibi appeared in the witness box as P.W.1 and acknowledged that:-

"مدعیان کی تاریخ پیدائش کی غلطی کا پتہ شناختی کارڈ بنواتے وقت ہوا۔ اس وقت محمد علی کی عمر کا مجھے علم نہ ہے۔ شوکت علی کی عمر کا بھی اس وقت علم نہ ہے۔"

The above referred acknowledgment on part of mother of the petitioners further substantiate that she is not aware of correct age of her sons. In these circumstances, claim of the petitioners does not seem justified as mere oral assertion does not

substitute the entries of record made by the petitioners themselves in admission forms of Secondary School Certificate.

8. Besides the above referred factual position, this Court in reported judgment 2017 YLR 906 [Islamabad] (Federal Board of Intermediate and Secondary Education through Chairman vs. Azam Ali Khan) held as under:-

“In the instant case, the birth certificate dated 12.06.2016 (Exh.P.2), was issued to the respondent more than nineteen years of his alleged date of birth (i.e. 13.02.1997). When a birth certificate is not issued within reasonable time after birth, the entry of the date of birth in such a birth certificate has to be corroborated by producing in evidence the register of births showing the applicant’s date of birth.”

9. In view of above, it is settled law that correction in date of birth must be made within reasonable time and when a birth certificate is not issued within reasonable time after birth, the entry of birth has to be corroborated by producing in evidence the register of births. In the instant case birth certificates were not issued within reasonable time, which were issued after 13 years of birth of the petitioners, even without any plausible explanation of delay, therefore, dates of birth in birth certificates ought to have been corroborated by producing in evidence the register of births showing the petitioners’ date of birth but the petitioners could not produce in evidence the register of births to prove their claim.

10. From perusal of the record of Federal Board of Intermediate and Secondary Education, it has been observed that the petitioners themselves wrote their dates of birth with signatures and counter signatures of their father, therefore, any other view could not be taken qua the dates of birth.

11. In view of the above discussion, the instant civil revision petition bears no merit, therefore, the same is hereby dismissed.

(MOHSIN AKHTAR KAYANI)
JUDGE