

**JUDGMENT SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

C.R.No.338 /2017

Federal Board of Intermediate and Secondary Education,  
Islamabad

**Versus**

Ms. Sitara Amjad Masih

**Date of Hearing:** 24.09.2020  
**Petitioner by:** Mir Afzal Malik, Advocate  
**Respondent by:** *Ex-parte*

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**MIANGUL HASSAN AURANGZEB, J:-** Through the instant civil revision petition, the petitioner, Federal Board of Intermediate and Secondary Education, Islamabad impugns the judgment and decree dated 17.07.2017 passed by the Court of the learned District Judge (West), Islamabad, whereby the petitioner's appeal against the judgment and decree dated 13.04.2017 passed by the Court of the learned Civil Judge, was dismissed. Vide the said judgment and decree dated 13.04.2017, the learned Civil Court had decreed the respondent's suit for declaration and mandatory injunction for correction of date of birth.

2. Learned counsel for the petitioner drew the attention of the Court to the respondent's admission form (Exh.D/3) for the Secondary School Certificate Examination and submitted that in the said admission form, the respondent had entered 14.03.1992 as her date of birth; that the admission form contained the respondent's affidavit deposing that the entries made in the said admission form were correct; that the admission form had also been signed by the respondent's father/guardian; that the said admission form had also been signed and stamped by the Principal of the respondent's School (Islamabad Model School for Girls (Vi-X) E-8, Islamabad); that the said admission form was exhibited before the learned Trial Court; and that the respondent could not take a position contrary to the one taken by her in the said admission form.

3. Learned counsel for the petitioner further submitted that the respondent had placed reliance on Family Certificate issued by

NADRA (Exh.P/1) and birth certificate (Mark-C); that the respondent did not produce the register of births in order to prove that her correct date of birth was 14.03.1996; that no witness was produced from the respondent's college/school in order to testify that the respondent's correct date of birth was not 14.03.1992; and that the concurrent judgments and decrees passed by the learned Courts below are contrary to the law laid down by this Court in the case of Federal Board of Intermediate and Secondary Education Vs. Azam Ali Khan (2017 YLR 906). Learned counsel for the petitioner prayed for the revision petition to be allowed.

4. On the other hand, despite notice was served on the respondent and published in the newspaper daily '*jang*' no one tendered appearance on behalf of the respondent, hence vide order dated 28.05.2019, the respondent was proceeded against *ex-parte*. Today also no one entered appearance on behalf of the respondent.

5. I have heard the contentions of the learned counsel for the petitioner and perused the record with his able assistance.

6. The record shows that on 07.10.2016, the respondent filed a suit for "*declaration and mandatory injunction for correction of date of birth*" praying for a declaration that her correct date of birth is 14.03.1996. Furthermore, the respondent prayed for a direction to the petitioner to issue a corrected/rectified mark sheet of her matriculation examination wrongly showing her date of birth as 14.03.1992. The petitioner contested the said suit by filing a written statement. After the framing of issues, the respondent tendered in evidence documents including copy of Family Certificate issued by NADRA (Exh.P/1); her father's domicile certificate (Exh.P/2) in children's column of said domicile certificate the respondent's date of birth is shown as 14.03.2019; a copy of the respondent's application to the petitioner for correction of date of birth in Secondary School Certificate (Mark-A); a copy of the newspaper announcement about the respondent's date of birth (Mark-B); and a copy of the birth certificate issued on 10.01.2015 (Mark-C) by the District Health Officer, Faisalabad. The respondent's result card dated

04.07.2015 for the Matriculation Examination 2015 issued by the petitioner was also produced as Exh.P/2. According to Exh.P/2, the respondent's date of birth was 14.03.1992 whereas according to Family Certificate (Exh.P/1) and the birth certificate (Mark-C) her date of birth was 14.03.1996.

7. The petitioner, in its evidence produced Exh.D/1, D/2 and D/3, which are the respondent's registration card, students' registration return for the Session 2013-2015 and admission form for the Secondary School Certificate (Part-II) Examination. The respondent and her father/guardian had signed the admission form (Exh. D/3). In this form, the respondent's date of birth was stated to be 14.03.1992. This form also contains an affidavit sworn by the respondent deposing that the particulars in the said form were true and correct. This form was also signed and stamped by the Principal Islamabad Model School for Girls, E-8, Islamabad.

8. Now, during her statement as PW-1 before learned trial Court the respondent did not dispute the authenticity of Exh.D/3. the respondent's stance before the learned Courts below was that the wrong entry of the respondent's date of birth in her admission form for the Secondary School Certificate Examination was caused due to clerical error by her school. In the said admission form (Exh.D/3), the respondent's date of birth was not only filled in figures but in words as well. Therefore, it cannot be said that there was a possibility of an error being committed by the petitioner in recording the respondent's date of birth in her Secondary School Certificate. Since the admission form (Exh.D/3) was an admitted document, it deserved due weight and credence which has not been given to it by the learned Courts below. The learned Courts below misread the evidence by not appreciating that the admission form (Exh.D/3) had not just been signed by the respondent, but also by her father/guardian and the Principal Islamabad Model School for Girls, E-8, Islamabad. The requirement of an endorsement by the head of the institution is to ensure that the entries made in the admission form are correct and as per the school record of the respondent. The respondent is, therefore, estopped from taking a position contrary to the one

taken by her at the time of submission of the admission form for the Secondary School Certificate Examination.

9. Reliance by learned appellate Court on the Family Certificate/Form-B issued by NADRA (Exh. P/1) on 03.10.2009 and her father's domicile certificate (Exh.P/2) merely because the said documents were issued prior to matriculation certificate (Exh.P/3) is not consistent with law laid down by the Superior Courts. It is well settled that where there is a disparity in the date of birth entered in the educational testimonials of a person, and the National Identity Card or birth certificate, credence is to be given to the entry of the date of birth in the educational testimonials unless there is cogent and convincing evidence to hold otherwise. In the case of Mohammad Arshad Vs. Noor Ahmad (2008 SCMR 713), credence was given by the Hon'ble Supreme Court to the petitioner's date of birth on his matriculation certificate as compared to his date of birth on his Birth Certificate and National Identity Card.

10. Strong evidence of unimpeachable character is required to change the date of birth entered in a person's educational testimonials. Courts have to be vigilant and cautious in granting discretionary relief of declaration or permanent injunction in cases where plaintiffs seek a change in their names or dates of birth.

11. A student and his/her parents have to be very careful, alert and vigilant while disclosing the date of birth at the time of submission of forms for the examination of Secondary School Certificate / Matriculation. The Secondary School Certificate issued by the Board of Intermediate and Secondary Education goes with the life of a student as this certificate is the authenticated proof of the student's date of birth. Such a certificate is invariably accepted as a valuable piece of evidence in proof of the date of birth of the person in question throughout his/her career, and Courts attach a high degree of probative value to the certificate, and the date of birth as entered in the certificate is accepted as almost binding.

12. A change in the date of birth recorded in matriculation certificate issued by the Board is a serious matter because it involves many consequences and particularly affects the date of retirement etc. In such cases, a Court needs to scrutinize the evidence carefully and interference should be made sparingly and with circumspection. The approach of a Court has to be cautious and not casual.

13. In the case of Saima Iltaf Vs. Principal, Junior Burn Hall Girls College, Abbotabad (2001 CLC 972), it was held that in order to substantiate the contents of a birth certificate, the relevant register where the date of birth is entered has to be produced. In the case at hand, the respondent's birth certificate was not produced either by the relevant Union Council or by N.A.D.R.A. or its predecessor institution. This is a material lapse in the respondent's case which has not been noticed by the learned Courts below.

14. The learned Courts below could not have relied on the birth certificate (Mark-C) issued on 10.01.2015 inasmuch as in the case of Federal Board of Intermediate and Secondary Education Vs Azam Ali Khan (2017 YLR 906), it has been held that when a birth certificate was not issued within a reasonable time after birth, the entry of the date of birth in such a birth certificate had to be corroborated by producing in evidence the register of births showing the correct date of birth of the person in question.

15. By not requiring the respondent to produce the register of births maintained by the relevant Union Council or authority so as to prove that the date of birth entered in the respondent's birth certificate was correct, the learned Courts below went against the law laid down by this Court. In the unreported judgment dated 29.06.2015, passed by this Court in Civil Revision No.170/2015, titled "*Syeda Razia Bukhari Vs. Federal Board of Intermediate and Secondary Education, Islamabad*", this Court upheld the concurrent judgments passed by the learned Courts below, whereby, the petitioner's suit seeking a change in her date of birth entered in her matriculation certificate, was dismissed. This Court did not give credence to the date of birth entered in a birth

certificate, which was issued years after the petitioner's alleged date of birth. In paragraph 04 of the said judgment it has been, *inter-alia*, held as follows:-

*"4. ... The birth certificate has been tendered in evidence in original which shows the date of reporting the birth of the child is 19.03.2009, however, the register of Union Council or any other documents was not exhibited in evidence to show that the correct date of birth is 05.02.1988. ..."*

Furthermore, in another unreported judgment dated 27.01.2015 passed in Civil Revision No.538-D/2002 titled "Federal Board Vs. Mustafa Nawaz," this Court held as follows:-

*"14. ... Moreover, in order to prove the contents of crucial document i.e. birth certificate Ex.P1, it was mandatory to produce and get examined birth register of the concerned union council pertaining to the year 1976-77 for ascertaining correctness and genuineness of the documents, but no such effort was made. There is also no explanation as to why birth certificate was got issued with a delay of more than eighteen years on 2.2.1995."*

16. I am of the view that the learned Courts below have misread the evidence on the record and have not given credence to the law laid down by the Superior Courts especially the judgments referred to herein above. Therefore, the instant revision petition is allowed; the concurrent judgments and decrees dated 13.04.2017 and 17.07.2017 passed by the learned Civil Judge and learned District Judge, respectively, are set-aside. Consequently, the respondent's suit for declaration and mandatory injunction for rectification of the date of birth in her matriculation certificate is dismissed. There shall be no order as to costs.

(MIANGUL HASSAN AURANGZEB)  
JUDGE

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