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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 22.02.2022

+ W.P.(C) 1352/2022

VIPIN SEHRAWAT

..... Petitioner

versus

DEPUTY COMMISSIONER SDMC

..... Respondent

**Advocates who appeared in this case:**

For the Petitioner: Mr. Jai Singh Mann, Advocate.

For the Respondent: Mr. Arun Panwar, Advocate.

**CORAM:-**

**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

**JUDGMENT**

**SANJEEV SACHDEVA, J. (ORAL)**

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a direction to the respondent to cancel the birth certificate of the petitioner issued on 24.09.2013.
3. It is contended by the petitioner that the petitioner was born in his house in the village. He submits that at the time when the birth certificate dated 24.09.2013 was got issued erroneously the date of birth of the petitioner was mentioned as 01.11.2002 instead of 01.11.2001.
4. He submits that petitioner today possesses two birth certificates one dated 24.09.2013 where the date of birth has been erroneously

shown as 01.11.2002 and the other birth certificate dated 30.10.2015 where the correct date of birth of 01.11.2001 has been mentioned.

5. It is pointed out by learned counsel for the petitioner that in the entire educational record of the petitioner the correct date of birth i.e. 01.11.2001 has been mentioned, however, in the passport that was obtained by the petitioner the date of birth had been mentioned as 01.11.2002.

6. Learned counsel for the petitioner submits that when petitioner applied for change of the date in his passport the issuing authority has cancelled the passport.

7. Learned counsel appearing for the respondent Corporation submits that there is no rule providing for cancellation of a birth certificate. He further submits that both the certificates one dated 24.09.2013 and other dated 30.10.2015 were issued based on the reports of the District Magistrate certifying the date of birth which was in turn based on the information provided by the father of the petitioner.

8. Learned counsel for petitioner submits that father of the petitioner is an illiterate person and was not aware of the error committed by him.

9. Petitioner is holding two birth certificates with two different dates of birth.

10. One individual cannot be permitted to hold two birth certificates

containing two different birth dates as the identity of a person is established not only by his name and parentage but also by his date of birth.

11. Continuance of two birth certificates containing two different dates of birth would imply that one individual can pose as two different individuals; which error cannot be permitted to perpetuate.

12. Accordingly, it is also in public interest that one of the birth certificates be cancelled. Further, interest of justice also demands that one of the two certificates be cancelled.

13. The categorical stand of the petitioner is that the birth certificate dated 24.09.2013 contains an incorrect date of birth i.e. 01.11.2002 and the later birth certificate dated 30.10.2015 contains the correct date of birth i.e. 01.11.2001 which is also borne out from the educational record of the petitioner i.e. certificate issued by the CBSE of the secondary school examination and the certificate issued by the CBSE of the All India Senior School certificate examination as also the University documents.

14. In view of the above, this petition is disposed of with a direction to the respondent to revoke/cancel the birth certificate dated 24.09.2013 issued in the name of '*Vipin Sehrawat*' with the date of birth '*01.11.2002*'; name of the mother '*Seema*' and name of the father '*Satish Kumar*' bearing registration number '*MCDOLIR-0113-005800106*'.

15. Petition is allowed in the above terms.

16. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

**SANJEEV SACHDEVA, J.**

**FEBRUARY 22, 2022**

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