JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT,
ISLAMABAD

REGULAR FIRST APPEAL NO. 219 OF 2020

MUHAMMAD FARHAN CHAUDHARY

Vs

FEDERAL BOARD OF INTERMEDIATE & SECONDARY EDUCATION THROUGH CHAIRMAN FBISE

Appellant by : Mr. Muhammad Shahid Kamal Khan Advocate.

Respondent by : Qazi Jehanzeb Gul Qureshi, Advocate.

Date of hearing : 13.03.2025

MUHAMMAD AZAM KHAN, J.

1. By this Judgment, I intend to dispose of Regular First Appeal No. 219/2020 filed against the Judgment & Decree dated 14.10.2019 **("Impugned Judgment & Decree")** passed by the learned Civil Judge Class-II, West-Islamabad **("Trial Court")** whereby the Suit for Declaration and Mandatory Injunction **("Suit")** filed by the Appellant/Plaintiff has been dismissed.

2. The brief facts of the case in hand as per the Memo of Appeal are that the Appellant/Plaintiff passed SSC Examination from the Federal Board of Intermediate & Secondary Education, Islamabad **("FBISE")** in the year 2011 under Roll No. 100877, Registration No.1010341057 and he was issued Certificate No. 236953/700784 on 8.6.2012. The correct date of birth of the Appellant/Plaintiff is 15.05.1996 as per Child Registration Certificate and NIC issued by the NADRA but the same has wrongly been mentioned as 29.12.1993 in the SSC Certificate issued by FBISE. When Appellant/Plaintiff came to know about the incorrect date of birth incorporated in the SSC Certificate by FBISE in the year 2017, he approached FBISE for correction of date of birth but FBISE refused to do so. Thereafter, the Appellant/Plaintiff filed the Suit before the learned Trial Court which was dismissed vide Impugned Judgment and Decree. Being aggrieved of the Impugned Judgment and Decree, the Appellant/Plaintiff has filed the instant Regular First Appeal.

3. The learned counsel for the Appellant/Plaintiff submitted that the Impugned Judgment and Decree is against the law and facts of the case, hence, it is not sustainable in the eye of law; that the Impugned Judgment and Decree is based on conjectures and surmises; that the learned Trial Court did not apply its judicial mind while passing the Impugned Judgment and Decree; that the Impugned Judgment and Decree has been passed in fanciful manner; that the Impugned Judgment and Decree has resulted in grave miscarriage of justice and the Appellant/Plaintiff shall suffer an irreparable loss, if the same is not set-aside; that the learned Trial Court ignored an important fact that despite Order dated 22.06.2018 regarding closure of the Respondent/Defendant's right to file written statement, the Respondent/Defendant was allowed to produce its evidence. Finally, the learned counsel prayed that instant Appeal may kindly be accepted, Impugned Judgment and Decree dated 14.10.2019 may kindly be set-aside and suit of the Appellant/Plaintiff may kindly be decreed as prayed for.

4. To the contrary, the learned counsel for the Respondent/Defendant submitted that the learned Trial Court has passed a well-reasoned Judgment keeping in view the evidence available on record; that there is no illegality or irregularity in the Impugned Judgment and Decree. Lastly, the learned counsel prayed for dismissal of instant Appeal.

5. I have heard the learned counsel for the Parties and perused the record with their able assistance.

6. In 2017, the Petitioner discovered that his date of birth was incorrectly recorded on his SSC Educational Certificate as 29.12.1993. He completed his Matriculation in 2011, and after approximately six years, he noticed the error. However, he did not file a suit for its correction at that time. Eventually, he filed a Civil Suit on 28.02.2018 before the learned Trial Court. The learned Trial Court summoned the Defendants i.e. FBISE through its Chairman and during the proceedings, the learned Trial Court closed the Respondent/Defendant's right to file written statement and plaintiff was directed to adduce evidence. The Appellant/Plaintiff appeared as PW-1 and produced copy of Secondary School Certificate as Ex.P2, copy of domicile as Ex.P3, copy of Higher Secondary School Certificate as Ex.P4 and copy of B-Form as Ex.P5. On the other hand, the Respondent/Defendant produced attested copy of Registration Card of Plaintiff

as Ex.D1 and attested copy of Admission Form of the Appellant/Plaintiff as Ex.D2 and concluded its evidence. After hearing the parties, the learned Trial Court dismissed the Appellant/Plaintiff's Suit on the ground that entry of date of birth in the educational documents is to be given credence as compared to other documents, unless there is cogent and convincing evidence to hold otherwise.

7. The Appellant/Plaintiff has failed to produce any documents before the learned Trial Court that could challenge the recorded date of birth in his educational records. Moreover, the present Appeal is significantly time-barred, as the learned Trial Court dismissed the Appellant/Plaintiff's Suit on 14.10.2019, and the current appeal was filed before this Court on 01.10.2020, which is clearly beyond the prescribed time limit. Consequently, the appeal is not only time-barred but also lacks merit which is **dismissed**, accordingly. There is no order as to the costs.

(MUHAMMAD AZAM KHAN)
JUDGE

//Mehboob//