

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 18517 of 2015

Date of Decision: 15.09.2015

Gurmansher Singh

... Petitioner(s)

Versus

Central Board of Secondary Education and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice G.S.Sandhawalia.

Present: Mr. P.S.Khurana, Advocate
for the petitioner(s).

G.S.Sandhawalia, J.

The present writ petition has been filed for correction of the name of the parents of the petitioner in the Grade Sheet-cum-Certificate of Performance issued by respondent No.1.

The case of the petitioner is that he was adopted by his paternal grand father Kashmir Singh on 1.9.2012 on account of the death of his father Rajwinder Singh on 26.6.2005 as per the adoption deed (Annexure P1). It is on the strength of this adoption deed, the petitioner seeks the correction.

Perusal of the adoption deed would go on to show that Kashmir Singh has one living son, namely Yadwinder Singh. Section 11(i) of the Hindu Adoptions and Maintenance Act, 1956 provides that the adopted father must not have a son living at the time of adoption.

Even otherwise, nothing has been shown whether the adoption deed was registered and the said adoption has been recognized by any Court of law. In such circumstances, no writ of mandamus can be issued against the provisions of the Statute. Thus, the present petition stands dismissed.

(G.S.Sandhawalia)
Judge

September 15, 2015
"DK"