

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 14529 of 2016
Date of decision: 25.07.2016

Sukhbir Singh Mourh

....Petitioner(s)

Versus

The Secretary, Punjab School Education Board, Mohali and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. D.R. Punia, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks quashing of letter dated 25.04.2016 (Annexure P-5) issued by the respondent-Board whereby, the request for change in the name of the father and mother in the school certificates has been declined. The reason given in the said communication is that the order of the Court dated 17.07.2015 (Annexure P-1) whereby, the adoption deed dated 13.03.2003 which had been declared null and void and having no legal sanctity in the eyes of law, would not bind the Board since it was not party in the civil suit.

A perusal of the certificates issued by the Board a decade earlier on 22.02.2006, 27.08.2007 and May, 2009 (Annexures P-2 to P-4) would go on to show that the petitioner had been adopted by Bhagwant Singh Mor and Rajinder Kaur Mor and one of them was defendant in the civil suit being defendant no. 1. Obviously, the entry was made on the basis of the said adoption deed produced by the legal guardian of the petitioner

which has now been held to be null and void. The Board, in such circumstances, is well justified in coming to a conclusion that they were not party and the same would not be binding upon them. It is always open to the petitioner to seek his remedy before the Civil Court for seeking appropriate relief. Since disputed questions of fact are involved whether the certificate is to carry the name of the biological parents or the adoptive parents, it is not for the writ Court to decide the said issue and directions as such cannot be issued.

Accordingly, the present writ petition stands dismissed with the aforesaid liberty.

25.07.2016
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/ reasoned

Yes/No

Whether reportable

Yes/No