

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.22606 of 2016(O&M)

Date of Decision: 01.03.2017

Rajwinder Kaur*Petitioner*

Vs.

Central Board of Secondary Education and others*Respondents*

CORAM: HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr.Ranjit Saini, Advocate for the petitioner.

Mr.Nitin Kant Setia, Advocate for respondent No. 1 and 2.

Mr.Sumeet Abrol, Advocate for respondent No.4.

M.M.S.BEDI J. (ORAL)

The petitioner has preferred this writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the order/letter dated 07.10.2016 (Annexure P-3) passed by Central Board of Secondary Education, whereby respondent No.2 has refused to carry correction with regard to the names of adoptive father and mother of the petitioner, despite the judgment and decree of civil Court dated 18.12.2013 declaring the adoption deed dated 09.02.2001, as illegal, null and void.

On the basis of the civil Court decree dated 18.12.2013, the petitioner claims that the petitioner is no more adopted daughter, as recorded in the school certificates. Petitioner has also sought a direction to the Regional Passport Officer, Jalandhar (Punjab) to entertain the request of the petitioner and change the parents name and sub caste in passport No.J4103707, issued on 26.07.2011 by respondent No.4, as per the judgment passed by the civil Court, so that the petitioner, whose marriage has been settled with an NRI and scheduled to be held on 02.12.2016, may accompany

her husband.

It is claimed that the petitioner's natural parents have obtained a decree declaring the adoption deed dated 09.02.2001 as illegal and the adopted parents have been restrained from claiming the petitioner as their daughter.

Counsel for the petitioner has argued that the petitioner waives off her right, at this stage, for implementation of the civil Court decree against *Central Board of Secondary Education*, but she is interested that her claim for correction of the parents' name and sub caste may be considered by the Passport Officer.

Mr.Sumeet Abrol, Advocate, appearing on behalf of respondent No.4-the Regional Passport Officer, Jalandhar(Punjab), has submitted that till date no application has been received in the Passport Office for consideration of the change in the name or for issuance of a fresh passport. However, counsel for the petitioner has produced over a copy of the application which was submitted by the petitioner on 03.12.2016. The same is handed over to counsel for respondent No.4.

This petition is disposed of with a direction that respondent No.4, the Regional Passport Officer, Jalandhar (Punjab) shall consider the claim of the petitioner and in case the petitioner approaches the Passport Officer by filing a formal application for correction of the name of her parents in the passport, the said claim shall be considered within a period of one month after receipt of a certified copy of this order.

(M.M.S.BEDI)
JUDGE

01.03.2017
ANJAL

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No