

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-2434-2020

Date of decision : 28.04.2023

Rahul Muthria

... Petitioner

Versus

Central Board of Secondary Education and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Aditya Narayan Arya Garg, Advocate.

Mr.Kanan Malik, Advocate for respondents no.1 and 2.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari quashing the impugned order dated 23.09.2019 vide which the application of the present petitioner for changing the father and mother's name of the petitioner has been rejected.

2. Learned counsel for the petitioner has submitted that the entire issue with respect to changes/corrections to be made in the certificate issued by the Central Board of Secondary Education has been adjudicated upon by the Hon'ble Supreme Court in a detailed judgment passed in case titled as ***Jigyra Yadav (minor) (through Guardian/father Hari Singh) Vs. CBSE (Central Board of Secondary Education) and others*** and other connected matters reported as ***2021(7) SCC 535*** by a three Judge Bench of the Hon'ble Supreme Court and has prayed that the petitioner be permitted to file representation keeping in view the parameters laid down in the abovesaid judgment and prays that the respondent be directed to consider the said

the date the said representation is received by the respondent. Learned counsel for the petitioner has further submitted that the order dated 23.09.2019 was passed prior to the judgment in the case of ***Jigyada Yadav's*** case (supra) and thus, the said order be set aside and the matter be reconsidered.

3. Learned counsel appearing for the respondent-Board has stated that they have no objection to the said course of action.

4. Keeping in view the abovesaid facts and circumstances, the order dated 23.09.2019 is set aside and the present petition is disposed of in the following terms:-

i) The petitioner is granted liberty to file a detailed representation and annex all the documents in light of the judgment passed by the Hon'ble Supreme Court in ***Jigyada Yadav (minor)'s*** case (Supra). Learned counsel for the petitioner has stated that the petitioner would submit the said representation along with certified copies of the relevant record and would get the said representation forwarded through the school.

ii) The respondents are directed to decide the said representation as expeditiously as possible preferably within a period of six weeks from the date of receipt of the said representation, in accordance with law.

5. Needless to mention here that it would be open to the respondent no.1-Board to require the petitioner or the school to submit any document which would be required for finally considering the case of the petitioner.

(VIKAS BAHL)
JUDGE

April 28, 2023

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No