

(114) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1983-2023
Date of Decision:07.02.2023

Tapsya

... Petitioner

Vs.

Board of School Education, Bhiwani and another ... Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. Pankaj Bali, Advocate for the petitioner.

Ms. Vasundhara Asija, Advocate for
Mr. M.S. Chauhan, Advocate for the respondents.

VIKAS BAHL, J. (Oral)

This writ petition under Article 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of certiorari for quashing of order dated 17.01.2023 (Annexure P-5) whereby application of the petitioner for correction of her date of birth in matriculation certificate has been dismissed

Learned counsel for the petitioner has submitted that date of birth certificate dated 31.10.2007 (Annexure P-1) shows that the date of birth of the petitioner is 05.12.1980 but however, the wrong date has been mentioned in certificate Annexure P-2. It is further 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 ***Jigya 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. It is further submitted that the parameters laid down in the aforesaid judgment are also applicable to respondent No.1-Board in the present case and has prayed that the petitioner be permitted to file representation keeping in view the parameters laid down in the above-said judgment and prays that the respondents be directed to consider the said representation and pass a speaking order within a period of four weeks from the date the said representation is received by the respondents. It is further prayed that the impugned order dated 17.01.2023 be set aside and the matter be considered afresh in view of the aforesaid judgment.

Notice of motion.

Ms. Vasundhra Asija, Advcoate for Mr. P.S. Chauhan, Advocate accepts notice and states that she has no objection to the aforesaid course of action.

Keeping in view the abovesaid facts and circumstances, impugned order dated 17.01.2023 is set aside and the present Civil Writ Petition is disposed of in the following terms:-

1. 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 ***Jigya Yadav (minor)'s case*** (supra). Learned counsel for the petitioner has stated that the petitioner would submit the said representation alongwith certified copies of the relevant record and would get the said representation forwarded through the school.

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

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

07.02.2023
rajeev

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No