

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-4654-2021(O&M)

Date of decision : 20.04.2023

Seema

... Petitioner

Versus

Board of School Education, Haryana Bhiwani through its Secretary

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Ashok K.Sharma, Advocate
for the petitioner.

Mr.K.K. Gupta, Advocate
for the respondent.

VIKAS BAHL, J.(ORAL)

CM-5313-CWP-2023

1. This is an application under Order 9 Rule 9 read with Section 151 CPC for restoration the main petition.

2. For the reasons stated in the application which is supported by an affidavit, the application is allowed and the order dated 21.02.2023 is recalled and the main petition is restored to its original number and stage.

CWP-4654-2021

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside the impugned order dated 05.12.2019 passed by the respondent and mandamus for direction to the respondent to correct the date of birth of the petitioner as 06.01.1992 in middle and secondary school certificates

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 ***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*** by a three Judge Bench of the Hon'ble Supreme Court and has submitted that the parameters laid down in the said judgment would also apply to the respondent-Board 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 representation and pass a speaking order within a period of six weeks from the date the said representation is received by the respondent. Learned counsel for the petitioner has submitted that the order dated 05.12.2019 was passed prior to the judgment in the case of ***Jigya Yadav's*** case (supra) and thus, the said order be set aside and the matter be considered.

3. Learned counsel appearing for the respondent-Board has stated that they would reconsider the matter.

4. Keeping in view the abovesaid facts and circumstances, the order dated 05.12.2019 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 ***Jigya 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 respondent is 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-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 20, 2023
Davinder Kumar

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