

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(126)

CWP-2863-2023

Date of decision: - 13.02.2023

Gurtej Singh

....Petitioner

Versus

National Institute of Open Schooling and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Gopal Singh Nahel, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus for direction to the respondents to change the parent's name i.e. father's name and mother's name in the Secondary School Certificate (Annexure P-3) of the petitioner as the name of the biological parents was mentioned in the same, but the petitioner was adopted by Gurcharan Singh and Amarjit Kaur vide adoption deed dated 27.03.2002 (Annexure P-1) and hence, the names of Jarnail Singh and Mohinder Kaur (Biological parents) be changed to Gurcharan Singh and Amarjit Kaur in the interest of justice.

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 “**Jigyada 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 respondent Nos.1 and 2-Institute 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 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.

Learned counsel for the petitioner has also submitted that in the reply dated 10.01.2023 (Annexure P-6), the respondents have not taken into consideration the law laid down by the Hon'ble Supreme Court in **Jigyada Yadav (minor)'s case (supra)**.

Keeping in view the abovesaid facts and circumstances, 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 **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.

- 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.

February 13, 2023
naresh.k

(VIKAS BAHL)
JUDGE

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