

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-2943-2023

Date of decision : 14.02.2023

Vivek Sayal

... Petitioner

Versus

Central Board of Secondary Education and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Bhupinder Singh, Advocate
for the petitioner.

Mr.Naveen Chopra, Advocate
for respondents no.1 & 2-CBSE.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of appropriate writ, order or direction especially in the nature of mandamus directing respondents no.1 and 2 to make necessary correction in the certificate dated 06.05.2019 for the Secondary School Examination (10th) issued by respondent no.1 to the petitioner with regard to the parents name as the father's name of the petitioner is wrongly mentioned as “Sarabjit Singh” and mother's name as “Rajani Syal” whereas the correct father's name is “Sarvjit Singh” and mother's name is “Rajni Bala”.

Learned counsel for the petitioner has submitted that in all other documents including Pan card, Aadhar card, Voter card and even in the certificate of Senior Secondary School Examination (10+2), the correct father's name and mother's name has been mentioned. 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 ***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 parameters laid down in the said judgment would also apply to respondents no.1 and 2-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 respondents 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 respondents. It is also submitted that e-mail dated 31.07.2020 vide which the prayer of the petitioner has been rejected, was sent prior to the judgment passed by the Hon'ble Supreme Court in the above said case and thus, the said rejection be set aside and the respondents be directed to consider the case afresh.

Learned counsel appearing for the respondents no.1 and 2-Board has stated that they have no objection to the said course of action.

Keeping in view the abovesaid facts and circumstances, the e-mail dated 31.07.2020 rejecting the case of the petitioner 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 ***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 school record and relevant documents 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 six weeks from the date of receipt of the said representation, in accordance with law.

(VIKAS BAHL)
JUDGE

February 14, 2023
Davinder Kumar

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