

CWP-3873-2020

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2023:PHHC:099143

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-3873-2020

Date of decision : 02.08.2023

Manoj Kumar Bhadana

... Petitioner

Versus

Central Board of Secondary Education and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Vaibhav Jain, Advocate
for the petitioner.

None for respondent no.1.

Mr.Tanmoy Gupta, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction for setting aside the order dated 07.12.2018 (Annexure P-7) with a further prayer for directing respondent no.1-Board to correct the date of birth of the petitioner in the matriculation certificate as per the birth certificate and Aadhar card.

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 ***Jigyā 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 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 further submitted that the order dated 07.12.2018 was passed prior to the judgment in ***Jigyada Yadav's*** case (supra) and thus, the said order be set aside and the matter be reconsidered.

3. Learned counsel appearing for respondent no.2 has stated that they are also supporting the claim of the petitioner.

4. None has appeared on behalf of respondent no.1.

5. Keeping in view the abovesaid facts and circumstances, the order dated 07.12.2018 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) Respondent no.1 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.

6. Needless to mention here that it would be open to the

document which would be required for finally considering the case of the petitioner.

(VIKAS BAHL)
JUDGE

August 02, 2023
Davinder Kumar

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