

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(251)

CWP-4240-2020

Date of decision: - 24.02.2023

Khaginder Oli (minor)

....Petitioner

Versus

Central Board of Secondary Education

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Ananya Bhardwaj, Advocate
for Mr. D.N. Ganeriwala, Advocate
for the petitioner.

Mr. Kannan Malik, Advocate
for the respondent.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for the issuance of writ of certiorari for quashing of communication dated 25.09.2018 (Annexure P-7) whereby the respondent has rejected the representation regarding correction of father's name of the petitioner in the result-cum-grade card, with a further prayer for a writ of mandamus directing the respondent to amend/rectify the spelling in the name of the father of the petitioner which has been recorded as 'Churna Bhadur Oli' instead of 'Churan Bahadur Oli' in the result-cum-grade card of the petitioner issued for Secondary School Examination (Class X)-2018.

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 since the impugned order/communication in the present case was passed prior to the said judgment, thus, the same deserves to be set aside and the matter needs to be reconsidered 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 appearing on behalf of the respondent-CBSE has stated that they have no objection to the said course of action.

Keeping in view the above-said facts and circumstances, the impugned order/communication dated 25.09.2018 (Annexure P-7) 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 along with certified copies of the relevant record and would get the said representation forwarded through the school.

- 2) 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.

February 24, 2023
naresh.k

(VIKAS BAHL)
JUDGE

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