

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(227)

CWP-4344-2019

Date of decision: - 19.04.2023

Rajbirinder Singh Malik**....Petitioner****Versus****Central Board of Secondary Education and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Ms. Anjali Sheoran, Advocate
for Mr. Arjun Sheoran, Advocate
for the petitioner.

Mr. Kannan Malik, Advocate
for respondents No.1 to 3.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Article 226 of the Constitution of India for issuance of an appropriate writ, order or direction in the nature of mandamus directing the respondents to make the necessary corrections in the column of date of birth as 25.03.1996 in his Senior Secondary Examination Certificate for the session 2011-13 vide Roll No.2265305 in consonance with his birth certificate and passport. Challenge is also made to the order dated 14.01.2019 (Annexure P-8) vide which, the case of the petitioner has been rejected by the respondent-Board.

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 prayed that the petitioner be permitted to file a 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 further submitted that the order dated 14.01.2019 (Annexure P-8) deserves to be set aside as the judgment in ***Jigya Yadav (minor)'s case*** (supra) has been passed after the passing of the impugned order and thus, could not have been taken into consideration.

3. Learned counsel appearing on behalf of respondents No.1 to 3-CBSE has stated that he has no objection to the said course of action.
4. Keeping in view the above-said facts and circumstances, the impugned order/letter dated 14.01.2019 (Annexure P-8) is set aside and the present Civil Writ 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) 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.

5. Needless to mention here that it would be open to respondent No.1-Board to require the petitioner or the school to submit any document which would be required for finally considering the case of the petitioner.

April 19, 2023
naresh.k

(VIKAS BAHL)
JUDGE

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