

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

(301)

CWP-4764-2023**Date of decision: - 13.04.2023****Ravi Kumar Gharti Magar****....Petitioner****Versus****Central Board of Secondary Education and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Madhav Pokhrel, Advocate,
for the petitioner.

Mr. Naveen Chopra, Advocate,
for respondents No.1 and 2-CBSE.

Mr. Ajay Jagga, Senior Standing Counsel
with Mr. Deepak Malhotra, Advocate
for respondent No.3.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance an appropriate writ, order or direction especially in the nature of mandamus directing the respondent-Board to make the correction in the name of the petitioner from 'Ravi Kumar Magar' to 'Ravi Kumar Gharti Magar; name of his father from 'Yuvraj Kumar Magar' to 'Yuvraj Gharti Magar'; and the name of his mother from 'Nirmla Ghari Magar' to 'Nirmala Gharti Magar' in the Secondary School (10th) certificate of the petitioner dated 03.06.2017 (Annexure P-5) issued by the respondent-Board and also to make a similar correction in the Senior School (12th) Certificate dated 02.05.2019

(Annexure P-6).

Learned counsel for the petitioner has submitted that in the school record, the correct name of the petitioner, his father and mother have mentioned, whereas, in the certificate issued by the respondent-Board, there are mistakes in the said three names. It is further submitted that additionally the petitioner has already submitted the public document with respect to the correct name of the petitioner and would also submit the public document with respect to the correct name of the petitioner's father and petitioner's mother. It is also 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.

Learned counsel appearing on behalf of respondents No.1 and 2-CBSE has stated that he has no objection to the said course of action. It is however submitted that the petitioner be directed to deposit the requisite fee for the said purpose and also be directed to deposit the

original certificates i.e., 10th Class and 12th Class with the CBSE/Board.

Learned counsel appearing on behalf of respondent No.3 has submitted that a detailed representation alongwith the documents submitted by the petitioner would be forwarded by them to the CBSE within a period of 10 days from the date of receipt of said representation from the petitioner. It is further submitted that the petitioner may also produce the originals, so that the true copies of the same can be verified.

Keeping in view the above-said 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 ***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 petitioner would also produce the originals of the said documents so that the same can be verified by the school.
- 3) Respondent No.3-School with then forward the said representation alongwith the said documents to the respondent-Board within a period of 10 days from the date of receipt of the said representation from the petitioner.
- 4) Respondents No.1 and 2 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.
- 5) Petitioner is directed to pay the requisite fee to the CBSE-Board and also deposit the original certificates i.e., 10th Class and 12th Class.

Needless to mention here that it would be open to respondent Nos.1 and 2-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 13, 2023
naresh.k

(VIKAS BAHL)
JUDGE

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