

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(301)

CWP-7920-2021

Date of decision: - 17.01.2023

Krishan Kumar

....Petitioner

Versus

Haryana School Education Board Bhiwani and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Surender Lamba, Advocate, for the petitioner.

Mr. Viresh Dahiya, Advocate
for Mr. Deepak Balyan, Advocate, for the respondents.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order dated 18.01.2021 (Annexure P-5) passed by respondent No.2 whereby the request of the petitioner for change of date of birth in the matriculation certificate (Sr. No.057783, Roll No.775832 issued on 23.06.1984) stands rejected.

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 the parameters laid in the said judgment would also apply to respondents No.1 and 2- Haryana School Education Board Bhiwani 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 four weeks from the date the said representation is received by the respondents. It is further submitted that the reconsideration be done without taking into consideration the observations made in the order dated 18.01.2021 (P-5) and has also prayed that the said order be set aside.

Learned counsel appearing on behalf of the respondents- Board has stated that they have no objection to the said course of action.

Keeping in view the abovesaid facts and circumstances, the impugned order dated 18.01.2021 (P-5) 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).
- 2) The respondents are directed to decide the said representation as expeditiously as possible preferably within a period of four weeks from the date of receipt of the said representation, in accordance with law.

January 17, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No