

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(133)

CWP-5727-2023

Date of decision: - 20.03.2023

Manpreet Kaur

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Karan Singh, Advocate,
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana
for respondents No.1 and 2.

Mr. K.K. Gupta, Advocate
for respondent No.3.

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 quashing/setting aside the letter dated 19.09.2022 (Annexure P-9) whereby respondent-Board has made certain conditions including the conditions contained in paras No.5 and 6 for carrying out the corrections in the name of parents of the petitioner in the certificate of Secondary Examination (Annexure P-1) and Senior Secondary Examination (Annexure P-2).

Learned counsel for the petitioner has submitted that in the reply/letter dated 19.09.2022 (Annexure P-9), the conditions have been

imposed and the petitioner is ready to comply with the conditions No.1 to 4, but as far as condition No.5 is concerned where a time limit within which the correction can be made has been prescribed is prayed to be set aside, it has been stated 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 law laid down in the above-said judgment would also apply to respondent No.3-Board and has further submitted that as per the said law laid down, a period of limitation in carrying out the corrections especially with respect to name of candidate(s) or their parents has been made very liberal and has prayed that the petitioner be permitted to file a representation keeping in view the parameters laid down in the abovesaid judgment and has further prayed 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.

On the asking of the Court, Ms. Upasana Dhawan, AAG, Haryana, appears & accepts notice on behalf of respondents No.1 and 2 and Mr. K.K. Gupta, Advocate, appears and accepts notice on behalf of respondent No.3 and have jointly submitted that as per the rules, a period of one year was prescribed to change the name of the candidate after 2008

and respondents have no objection in case the matter is reconsidered in light of the judgment passed by the Hon'ble Supreme Court in **Jigya Yadav (minor)'s case** (supra), but, however have submitted that the petitioner be directed to supply all the documents including the school record.

Keeping in view the above-said facts and circumstances, the impugned reply/letter dated 19.09.2022 (Annexure P-9) 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) Respondent No.3 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.

Needless to mention here that it would be open to respondent No.3-Board to require the petitioner or the school to submit any document which would be required for finally considering the case of the petitioner.

March 20, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No