

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

(120)

CWP-6926-2023

Date of decision: - 10.04.2023

Prateek (minor) through father

....Petitioner

Versus

Central Board of Secondary Education and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rohit Mittal, Advocate
and Mr. Abhishek Ghangas, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for the issuance of appropriate writ, order or direction especially a writ in the nature of mandamus directing the respondents No.1 and 2 to correct the date of birth of the petitioner in secondary school examination of 10th standard certificate held in 2022 and issue a new amended mark sheet of the petitioner for 10th Class.

Learned counsel for the petitioner has submitted that the date of birth of the petitioner as per the Birth Registration office Narnaul, is 19.05.2007 and the said date has also been mentioned in the Aadhar Card (Annexure P-3), but however, on account of mistake the same was recorded as 19.05.2005 in the Secondary School Certificate. It is further

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.

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) 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.

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 10, 2023
naresh.k

(VIKAS BAHL)
JUDGE

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