

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-6994-2023

Date of decision : 20.04.2023

Vasudha Jolly

... Petitioner

Versus

Board of School Education, Haryana Bhiwani through its Secretary and
another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr. Mandeep K.Sajjan, Advocate
for the petitioner.Mr.K.K. Gupta, Advocate
for respondent no.1.Mr.Dhruv Gupta, Advocate
for respondent no.2.**VIKAS BAHL, J.(ORAL)**

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction in the nature of certiorari for quashing the order dated 21.04.2022 (Annexure P-11) and order dated 21.08.2019 (Annexure P-7) whereby the case of the petitioner for correction regarding year of birth in the certificate of Senior School Examination has been rejected.

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

Jigyada 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 that the parameters laid down in the said judgment would also apply to respondent no.1-Board 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 respondent no.1-Board 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 respondent. Learned counsel for the petitioner has submitted that the order dated 21.04.2022 and order dated 21.08.2019 be set aside as the same has been passed without considering the law laid down in the case of ***Jigyada Yadav's*** case (supra).

3. Learned counsel appearing for the respondent-Board has stated that they would reconsider the matter.

4. Keeping in view the abovesaid facts and circumstances, the orders dated 21.04.2022 and 21.08.2019 are set aside and the present 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 ***Jigyada 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-Board 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.

(VIKAS BAHL)
JUDGE

April 20, 2023
Davinder Kumar

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