

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-7606-2023

Date of decision : 10.08.2023

Charanjeet Kaur

... Petitioner

Versus

Punjab School Education Board and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.R.K.Malik, Senior Advocate with
Mr.Varun Veer Chauhan, Advocate
for the petitioner.

Ms.Savi Nagpal Phutela, Advocate
for the respondents.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari to quash the order dated 21.03.2023 (Annexure P-7) vide which the representation of the petitioner was rejected and further a writ in the nature of mandamus directing the respondents to correct the date of birth of the petitioner from 02.02.1988 to 02.02.1990 in matriculation certificate.

2. Learned senior counsel for the petitioner has submitted that although the date of birth of the petitioner mentioned in the matriculation certificate is 02.02.1988 but a perusal of the birth certificate (Annexure P-2), Aadhar card (Annexure P-3) and Voter card (Annexure P-4) would show that the date of birth of the petitioner is 02.02.1990. It is further submitted that the petitioner had earlier filed a writ petition which was

disposed of by this Court after noticing the contention of learned counsel for the petitioner to the effect that the issue stands finally adjudicated by a three Judge Bench of the Hon'ble Supreme Court in the 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*** and the respondents would decide the representation made by the petitioner after taking into consideration the judgment in ***Jigya Yadav's*** case (supra). It is stated that vide order dated 21.03.2023, the respondent-Board has passed a non-speaking order rejecting the prayer of the petitioner for amendment in the date of birth without giving any reason and even without considering the law laid down by the Hon'ble Supreme Court of India in ***Jigya Yadav's*** case (supra).

3. Learned counsel for the respondents has tried to justify the impugned order by making reference to the averments made in the written statement. It is, however, submitted that since the impugned order dated 21.03.2023 does not reflect any reasoning, thus, they would reconsider the matter. It is however prayed that the petitioner be directed to submit an affidavit to the authorities to the effect that the petitioner is not working as a government employee and would not take any benefit in any service under the government in case the date of birth is changed by the competent authority in the matriculation certificate.

4. Keeping in view the above said facts and circumstances, moreso, the fact that the order dated 21.03.2023 is non-speaking and has not been passed after taking into consideration the law laid down by the Hon'ble Supreme Court of India in ***Jigya Yadav's*** case (supra), the same deserves to be set aside and is accordingly set aside and the present petition

- i) Respondent no.1 is directed to reconsider the matter and it would be open to the competent authority of respondent no.1 to seek documents including an affidavit from the petitioner to the effect that the petitioner is not a government / State employee nor an employee in any government agency and that the petitioner would not take any benefit in any government service in case the date of birth is changed by the competent authority in the matriculation certificate.
- ii) The competent authority of respondent no.1 would within a period of two weeks from today, issue a letter to the petitioner requiring any such documents.
- iii) The petitioner would submit the said documents as expeditiously as possible.
- iv) The competent authority of respondent no.1 would take a fresh decision on the matter after taking into consideration the documents annexed with the present petition and also the documents which would be supplied by the petitioner and also after taking into consideration the law laid down by the Hon’ble Supreme Court of India in *Jigyada Yadav’s* case (supra) within a period of four weeks from the date when the said documents are supplied.

(VIKAS BAHL)
JUDGE

August 10, 2023
Davinder Kumar

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