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

CWP-8127-2023

Date of decision : 20.04.2023

Kanta Devi

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Saroj Malakar, Advocate for the petitioner.

Mr. Ferry Sofat, Addl. A.G. Punjab
for respondent No.1.

Ms. Gagandeep Kaur Sekhon, Advocate for
Mr. Ranjit Singh Kalra, 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 in the nature of certiorari and mandamus to quash the letter dated 04.04.2023 (Annexure P-11) whereby representation dated 16.03.2023 (Annexure P-10) for making correction in the date of birth of the petitioner in the matriculation examination certificate (Annexure P-3) was 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 the parameters laid down in the abovesaid judgment would also apply to the Punjab Education 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 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. It is further contended that although the order/letter dated 04.04.2023 (Annexure P-11) has been passed after the judgment passed in ***Jigyada Yadav (minor)'s case*** (Supra) but has not taken into consideration the law laid down in the said judgment and thus, the said order deserves to be set aside.

3. Learned counsel appearing on behalf of respondent No.2 has stated that they have no objection to the said course of action.

4. Keeping in view the abovesaid facts and circumstances, the order dated 04.04.2023 (Annexure P-11) is set aside and the present Civil Writ Petition is disposed of in the following terms:-

- a) 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.

- b) The respondent No.2 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.2-Board to require the petitioner or the school to submit any document which would be required for finally considering the case of the petitioner.

6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

20.04.2023
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No