

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

122

CWP No.9358 of 2023

Date of Decision: 02.05.2023

Shamsher Singh Bhalla

..... Petitioner

Versus

Union of India and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sahil Khunger, Advocate
for the petitioner.

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 for setting aside the order/letter dated 25.11.2022 (Annexure P-8) issued by respondent No.2 refusing to accede the request of the petitioner for correction in the name of mother of the petitioner as Balwinder Kaur Bhalla instead of Balwinder Singh Bhalla.

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 the respondent-Institute 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 respondent 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.

3. It is further submitted that since the said judgment has not been taken into consideration in the reply/order dated 25.11.2022 (Annexure P-8), thus, the matter be re-considered by respondent No.2, in accordance with law.

4. Keeping in view the above facts and circumstances of the case, the reply/order dated 25.11.2022 (Annexure P-8) is 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 *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.

(ii) The respondents are 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 the respondent-Institute to require the petitioner to submit any document which would be required for finally considering the case of the petitioner.

6. It would be relevant to note here that no notice is being issued in the present case to respondents No.1 and 2 as the present order does not

prejudice the rights of the respondents and the respondent No.2 has only been directed to decide the representation to be filed by the petitioner, in accordance with law. Issuance of notice would unnecessary delay the proceedings and would also entail expenses to the respondents to pursue the present case.

7. In case, any averment made by the petitioner in the present petition is factually incorrect, then it would be open for respondents No.1 and 2 to move an application in this regard.

8. It would be relevant to note that this Court has not considered the merits of the case and it would be open to respondent No.2 to consider the case independently, in accordance with law.

02.05.2023

D.Bansal

**(VIKAS BAHL)
JUDGE**

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