

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(266)

CWP-14979-2022 (O&M)

Date of decision: - 23.03.2023

Arshdeep Kaur

....Petitioner

Versus

Punjab School Education Board and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. G.P. Vashist, Advocate,
for the petitioner.

Mr. Anupam Singla, Advocate
for respondent No.1.

Mr. Saurav Kumar, Clerk,
for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for the issuance of writ in the nature of certiorari for quashing the impugned order dated 15.03.2022 (Annexure P-7) passed by respondent No.1 vide which the claim of the petitioner for the correction the name of the adoptive parents on the matriculation certificate on the basis of adoption deed has been rejected.

Learned counsel for the petitioner has submitted that in the present case, the adoption is by virtue of a registered adoption deed and respondent No.1-Board is not the competent authority to go into the question of legality of a registered document. It is further submitted that

there is no bar under the Hindu Maintenance and Adoption Act, 1956 for a sister to adopt another sister. It is also 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 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 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. It is stated that the impugned order does not take into consideration the law laid down by the Hon'ble Supreme Court in ***Jigya Yadav (minor)'s case*** (Supra) and is also based upon misleading of the 1956 Act and law and thus, the same deserves to be set aside.

Learned counsel appearing on behalf of respondent No.1-Board has stated that they have no objection to the said course of action.

Keeping in view the above-said facts and circumstances, the impugned order dated 15.03.2022 (Annexure P-7) is set aside and 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.

Pending application, if any, stands disposed of in view of the above-said order.

March 23, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No