

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

(271)

CWP-15773-2022

Date of decision: - 13.12.2023

Shama**....Petitioner****Versus****Central Board of Secondary Education and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Sandeep Goyat, Advocate,
for the petitioner.

Mr. Kannan Malik, Advocate
for respondents No.1 and 2.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order/letter (Annexure P-3) sent by the office of respondent No.1-Board through email to the extent that the prayer for change in the date of birth of the petitioner has been declined by respondent No.1-Board. Further, a prayer has been made for directing the respondent -Board to carry out the necessary correction in the matriculation certificate issued on 15.07.2020/25.03.2022 (Annexure P-4).

2. Learned counsel for the petitioner has submitted that the correct date of birth of the petitioner is 20.09.2004 as has been reflected in the birth certificate (Annexure P-5) and has submitted that the date of birth mentioned as 07.07.2007 in the matriculation certificate is not the correct date of birth and has thus prayed that the necessary correction be

carried out. It is further 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 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 (Annexure P-3), which has been passed by respondent No.1-Board, is non-speaking and does not take into consideration the law laid down by the Hon'ble Supreme Court in **Jigya Yadav (minor)'s case** (supra). It is further stated that on the said ground alone, the impugned order (Annexure P-3) deserves to be set aside and the matter requires to be reconsidered by respondent No.1-Board.

3. Learned counsel appearing on behalf of respondents No.1 and 2 has opposed the present writ petition but has stated that in case a fresh representation is made by the petitioner, the same would be considered after taking into consideration the law laid down by the Hon'ble Supreme Court in **Jigya Yadav (minor)'s case** (supra).

4. Keeping in view the above-said facts and circumstances, the

impugned order (Annexure P-3), which is non-speaking order and has been passed without taking into consideration the law laid down by the Hon'ble Supreme Court in *Jigyada Yadav (minor)'s case* (Supra), 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 *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.
- 2) 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.

December 13, 2023
naresh.k

(VIKAS BAHL)
JUDGE

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