

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH

228

CWP No.17280 of 2015
Date of Decision: 08.02.2023

Jasmine Grewal

..... Petitioner

Versus

Central Board of School Education and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. A.K. Jain, Advocate
for the petitioner.

Mr. Mukesh Tomar, Advocate
for respondents No.1 and 2.

VIKAS BAHL, J (ORAL)

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 letter/order dated 25.05.2015 (Annexure P-10), vide which the correction sought for date of birth from 21.02.1994 to 21.08.1993 in the school certificate (Annexure P-2) issued by respondent No.1, had been rejected.

Learned counsel for the petitioner has submitted that the date of birth of the petitioner in the passport and birth certificate is mentioned as 21.08.1993 and that in the school certificate is mentioned as 21.02.1994. It is contended 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 further submitted that the parameters of law as laid down by the Hon'ble Supreme Court in the aforesaid judgment would also apply to the respondent No.1-Board and has prayed that the petitioner be permitted to file representation keeping in view the parameters laid down in the above said judgment and prays that the respondents be directed to consider the said representation and pass a speaking order within a period of four weeks from the date the said representation is received by the respondents.

Learned counsel for the petitioner has further submitted that the impugned order dated 25.05.2015 (Annexure P-10) deserves to be set aside in view of the judgment of the Hon'ble Supreme Court which could not be considered in the impugned order as the said order was passed prior to the passing of the said judgment of the Hon'ble Supreme Court.

Learned counsel appearing on behalf of CBSE has stated that they have no objection to the said course of action.

Keeping in view the above facts and circumstances of the case, the order dated 25.05.2015 (Annexure P-10) is set aside and the present 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) The respondents are directed to decide the said

representation as expeditiously as possible preferably within a period of four weeks from the date of receipt of the said representation, in accordance with law.

08.02.2023
D.Bansal

(VIKAS BAHL)
JUDGE

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