

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(208)

CWP-11402-2018

Date of decision: - 05.01.2023

Jagdish Singh

....Petitioner

Versus

Central Board of Secondary Education and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Abhishek Rana, Advocate
for Mr. Randeep Singh Rana, Advocate
for the petitioner.

Mr. Naveen Chopra, Advocate
for respondents No.1 and 3.

Mr. Amit Kumar Saini, Advocate
for respondent No.2.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of certiorari for quashing the order/letter dated 27.08.2015 (Annexure P-6), passed by respondent No.3 whereby the claim of the daughter of the petitioner for correction of date of birth has been rejected, with a further prayer for issuance of a writ in the nature of mandamus directing the respondents to correct the date of birth of the daughter of the petitioner from 17.03.1996 to 07.04.1996.

Learned counsel for the petitioner has submitted that subsequent to the passing of the impugned order and also subsequent to

the filing of the present writ petition, a detailed judgment dated 03.06.2021 has been passed by the three Judge Bench of the Hon'ble Supreme Court in “**Jigya Yadav (minor) (through Guardian/father Hari Singh) Vs. C.B.S.E. (Central Board of Secondary Education) & Ors**”, ***passed in Civil Appeal No.3905 of 2011***, along with the other connected matters, and in the said judgment, various parameters have been laid down with respect to change/correction which can be made in the certificate issued by the CBSE. It is further submitted that the petitioner would file a detailed representation to respondent No.1 and prays that respondent No.1 be directed to consider the case of the petitioner in light of the judgment of the Hon'ble Supreme Court in **Jigya Yadav's (minor) case (supra)**. Learned counsel for the petitioner has further prayed that a fresh order be passed without taking into consideration the observations which have been mentioned in the impugned order and has prayed that the impugned order be set aside.

Learned counsel for respondents No.1 and 3 has fairly submitted that they have no objection to the said course of action and has further submitted that in case, the petitioner files a fresh representation before respondent No.1, the respondent authorities have no objection in deciding the same in light of the judgment of the Hon'ble Supreme Court in **Jigya Yadav's (minor) case (supra)**, without taking into consideration the observations made in the impugned order (Annexure P-6).

Keeping in view the above-said facts and circumstances, the present writ petition is partly allowed and the impugned order/letter dated 27.08.2015 (Annexure P-6) is set aside.

Liberty is granted to the petitioner to file a detailed representation before respondent No.1 in the light of judgment of the Hon'ble Supreme Court in *Jigya Yadav's (minor) case (supra)* and respondent No.1 is directed to consider and decide the said representation, in accordance with law, within a period of four weeks from the date of filing of the said representation.

January 05, 2023
naresh.k

(VIKAS BAHL)
JUDGE

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