

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-19447-2019(O&M)

Date of decision : 06.07.2023

Harakamal Singh

... Petitioner

Versus

Central Board of School Education and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Ms.M.N. Jajoria, Advocate
for the petitioner.**VIKAS BAHL, J.(ORAL)****CM-10142-CWP-2023**

1. This is an application filed for grant of leave under Rule 3-A(1) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present petition.

2. In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

CM-10143-CWP-2023

1. This is an application under Section 5 of the Limitation Act for condonation of delay of 108 days in filing the accompanying application.

2. For the reasons stated in the application which is duly supported by an affidavit, the application is allowed and delay of 108 days in filing the accompanying appeal is condoned.

CM-10144-CWP-2023

1. This is an application under Order 9 Rule 9 read with Section

151 CPC for restoration of the writ petition which was dismissed for non prosecution on 16.01.2023.

2. For the reasons stated in the application which is supported by an affidavit, the application is allowed and the order dated 16.01.2023 is recalled and the writ petition is restored to its original number.

CWP-19447-2019

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 mandamus directing the respondents to correct the date of birth of the petitioner as 31.05.1994 instead of 30.05.1995 in his 10th class certificate.

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 ***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 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. It is further submitted that the letter given by the CBSE Board dated 23.05.2019 (Annexure P-8) was issued prior to passing of the judgment in ***Jigya Yadav's*** case (supra) and thus, the matter requires to be re-considered.

3. Keeping in view the abovesaid facts and circumstances, the

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 and would get the said representation forwarded through the school.

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.

4. Needless to mention here that it would be open to the 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.

(VIKAS BAHL)
JUDGE

July 06, 2023

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No