

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

(220)

CWP-372-2016

Date of decision: - 24.04.2023

Abhinay Chandna

....Petitioner

Versus

Central Board of Secondary Education and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Aditya Jain, Advocate
and Mr. Rahul Vohra, Advocate
for the petitioner.

Mr. Mukesh Tomas, Advocate
for Mr. Nitin Setia, Advocate
for respondent No.1.

Mr. Vishal Sharma, Advocate
for Mr. Arjun Kundra, Advocate
for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Article 226 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of certiorari quashing the impugned order dated 29.05.2015 (Annexure P-9) whereby the request of the petitioner for correction of date of birth has been rejected.

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 submitted that since the impugned order dated 29.05.2015 (P-9) in the present case was passed prior to the said judgment, thus, the same deserves to be set aside and the matter needs to be reconsidered 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.

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

4. Keeping in view the above-said facts and circumstances, the impugned order dated 29.05.2015 (P-9) 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.

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.

April 24, 2023
naresh.k

(VIKAS BAHL)
JUDGE

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