

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(102 + 268)

CWP-20071-2022 (O&M)

Date of decision: - 23.03.2023

Amanpreet Singh

....Petitioner

Versus

The Director Evaluation, National Institute of Open Schooling and
another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Mohint Vashishat, Advocate,
for the petitioner.

Mr. Harsh Aggarwal, Advocate
for the respondents.

VIKAS BAHL, J. (ORAL)

CM-1625-CWP-2023

Present application has been filed under Section 151 CPC for
placing on record the written statement filed on behalf of respondents-
NIOS.

Application is allowed, as prayed for. Written statement filed
on behalf of the respondents is taken on record.

CWP-20071-2022

This is a Civil Writ Petition filed under Articles 226/227 of
the Constitution of India for the issuance of writ in the nature of
mandamus directing the respondents to change the name, religion and
photograph of the petitioner in his Secondary School Examination and
Senior Secondary School Examination Certificates.

Learned counsel for the petitioner has submitted that although, in the present writ petition three prayers have been made, but the petitioner presses the prayer only with respect to change of his name from 'Aman Kumar' to 'Amanpreet Singh'. 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 submitted that the parameters laid down in the said judgment would also apply to respondent No.1-Institute 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.

Learned counsel for the petitioner has prayed that with respect to the other two prayers for change of religion and photograph of the petitioner in his Secondary School Examination and Senior Secondary School Examination Certificates, the petitioner be permitted to withdraw the present writ petition with liberty to seek alternative remedy in accordance with law.

Learned counsel appearing on behalf of the respondents-

Institute has stated that they have no objection to the said course of action.

Keeping in view the above-said facts and circumstances, 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.
- 2) 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.

Needless to mention here that it would be open to respondent No.1-Institute to require the petitioner to submit any document which would be required for finally considering the case of the petitioner.

Liberty is granted to the petitioner to seek alternative remedy with respect to the other two prayers i.e., change of his religion and photograph in his Secondary School Examination and Senior Secondary School Examination Certificates.

Pending application, if any, stands disposed of in view of the above-said order.

March 23, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No