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

CWP-17578-2023

Date of decision: 16.08.2023

Diksha Saini

...Petitioner

Versus

Board of School Education Haryana, Bhiwani and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Aakash Dalal, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

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 certiorari for quashing the impugned order dated 09.06.2023 (Annexure P-6), vide which, respondent No.1 has refused to correct the date of birth of the petitioner in the Mark sheet of 10th class as per her Birth Certificate.

2. Learned counsel for the petitioner has submitted that the petitioner is a student and her correct date of birth is 21.03.1998 as has been mentioned in the Birth Certificate (Annexure P-2) and the date of birth as mentioned in the Certificate (Annexure P-1) issued by respondent No.1-Board is 21.03.1997 which is not her correct date of birth. It is further submitted that in case, respondent No.1-Board rectifies the date of birth in her Certificate (Annexure P-1) then the petitioner would not claim any seniority

or any other benefit in any Government service.

3. Learned counsel for the petitioner has also 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 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. It is contended that while rejecting the claim of the petitioner vide reply dated 09.06.2023 (Annexure P-6), respondent No.1-Board has not taken into consideration the judgment passed by the Hon'ble Supreme Court in **Jigya Yadav (minor)'s case** (Supra) although, the same was passed prior to the date of the said reply/impugned order.

4. Keeping in view the abovesaid facts and circumstances, the reply/impugned order dated 09.06.2023 (Annexure P-6) is set aside and the present Civil Writ Petition is disposed of in the following terms:-

a) 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 *Jigyada 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.

- b) The respondent No.1-Board 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.

16.08.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No