

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(235)

CWP-29782-2018

Date of decision: - 01.03.2023

Shyam Sunder Minor through his father

....Petitioner

Versus

Central Board of Secondary Education and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. R.S. Rana, Advocate  
for the petitioner.

Mr. Naveen Chopra, Advocate  
for respondent No.1-CBSE.

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**VIKAS BAHL, J. (ORAL)**

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of certiorari for quashing the impugned order dated 23.03.2018 (Annexure P-6) passed by respondent No.1, in which respondent No.1 has declined to correct the mother's name of the petitioner to 'Bhavita' from 'Babita' in the Detail Mark Certificate (DMC of Class 10<sup>th</sup> issued on 03.06.2017).

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 “Jigyada 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 respondent. Learned counsel for the petitioner has further submitted that although, in the impugned order it has been mentioned that there is tampering of school record, but a perusal of the record (Annexure P-7) would show that the name of the mother of the petitioner was correctly mentioned in the CBSE record of Class XI. It is also submitted that the observations in the impugned order are not relevant, inasmuch as, the law laid down by the Hon'ble Supreme Court of India in the above-said case, the mother's name in the matric certificate can be corrected on the basis of public documents and has submitted that the petitioner has public documents including Annexure P-9, which shows the correct name of the mother of the petitioner. It is stated that in view of the said judgment of the Hon'ble Supreme Court of India, the impugned order deserves to be set aside and prays that the matter be reconsidered.

Learned counsel appearing on behalf of respondent No.1- CBSE has submitted that in the present case, a perusal of the impugned order would show that there is a cutting in the school record and even a perusal of the documents (Annexures P-2 and P-3) would show that there is cutting in the same, but has stated that they have no objection in

reconsidering the matter as the above-said judgment of the Hon'ble Supreme Court of India has been passed after the passing of the impugned order.

Keeping in view the above-said facts and circumstances, the impugned order dated 23.03.2018 (Annexure P-6) 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.

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.

**March 01, 2023**  
naresh.k

**( VIKAS BAHL )**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No