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

CM-3449-CWP-2023 in/and
CWP-22624-2021 (O&M)
Date of decision : 09.03.2023

Anjali Jindal

...Petitioner

Versus

Central Board of Secondary Education and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Varun Baanth, Advocate for the petitioner.

Mr. Mukesh Tomar, Advocate for
Mr. Nitin Kant Setia, Advocate for respondent Nos.1 and 2.

VIKAS BAHL, J. (ORAL)

CM-3449-CWP-2023

This is an application filed under Section 151 of CPC for preponement of the date of hearing in the main case which is now stated to be listed for 21.08.2023 to an early date.

Notice in the application.

Learned counsel appearing on behalf of respondent Nos.1 and 2 has submitted that respondent Nos.1 and 2 have no objection in case, the present application is allowed and the date of hearing in the main case is preponed from 21.08.2023 to today itself.

Keeping in view the abovesaid facts and circumstances and for the reasons stated in the application, the same is allowed and the date of hearing in the main case is preponed from 21.08.2023 to today and the same is taken on Board today itself for final disposal.

Main case

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 respondent authorities to change the name of the petitioner from Anjali to Anjali Jindal in the Matriculation Certificate dated 30.05.2013 and in All India Senior School Certificate dated 25.05.2015 and in BAMS Certificate, in the interest of justice.

Learned counsel for the petitioner has submitted that in the present writ petition, the petitioner would restrict her prayer to change of her name in the Matriculation Certificate dated 30.05.2013 and in All India Senior School Certificate dated 25.05.2015. 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 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 further contended that the impugned order dated 02.04.2021 (Annexure P-9) deserves to be set aside inasmuch as subsequent to the passing of the said order, the abovesaid judgment passed by the Hon'ble Supreme Court in ***Jigyada Yadav (minor)'s case*** (Supra) has been delivered and as per the said judgment, the matter requires to be reconsidered.

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

Keeping in view the abovesaid facts and circumstances, the impugned order dated 02.04.2021 (Annexure 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 ***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.
- 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-Board to require the petitioner or the school to submit any document which would be required for finally considering the case of the petitioner.

It would be open to the petitioner to file a fresh petition for correction in the BAMS Certificate in case, the same is not rectified by respondent No.5.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

09.03.2023

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**