

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-20251-2023

Date of decision : 13.09.2023

Moin Ahmed

... Petitioner

Versus

Deputy Director, National Institute of Open Schooling and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHLPresent: Mr.Viren Sibal, 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 mandamus to correct the name of the petitioner in the certificate dated 14.12.2012 (Annexure P-5) and mark sheet dated 29.04.2013 (Annexure P-6).

2. Learned counsel for the petitioner has submitted that as per the certificate dated 05.06.2014 (Annexure P-7) issued by the respondent authorities, the name of the petitioner has been correctly mentioned as Moin Ahmed and even as per the Aadhar card, which is at page 25 of the paper book and is a public document, the name of the petitioner has been correctly mentioned Moin Ahmed. It is further submitted that inadvertantly, the name of the petitioner has been wrongly mentioned in the certificate Annexure P-5 and mark sheet Annexure P-6 issued by the respondents-National Institute Open School as Mohin Ahmed on account of which the petitioner is suffering irreparable loss. Learned counsel for the petitioner has stated 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 the parameters laid down by the Hon'ble Supreme Court in the said judgment would also apply in the case of respondents-institute and has further submitted that the petitioner has already submitted a representation dated 16.02.2023 (Annexure P-10) and would be satisfied at this stage in case the competent authority of the respondents takes final decision on the said representation in a time bound manner and if after considering the same, in case, the plea raised by the petitioner is found to be meritorious, then necessary relief be granted to the petitioner expeditiously.

3. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to the competent authority of the respondents to consider the representation dated 16.02.2023 (Annexure P-10) of the petitioner and decide the same, in accordance with law and also after taking into consideration the law laid down by the Hon'ble Supreme Court in ***Jigya Yadav's*** case (supra) as expeditiously as possible, preferably within a period of 6 weeks from the date of the receipt of certified copy of the present order and in case, after considering the same, the plea of the petitioner is found to be meritorious, then necessary relief be granted to the petitioner immediately and in case, the plea of the petitioner is not found to be meritorious, then a speaking order rejecting the same be passed within a period of 6 weeks from the date of the receipt of certified copy of the present order.

4. It is made clear that this Court has not opined on the merits of the case and the competent authority of the respondents would consider and decide the representation independently, in accordance with law.

(VIKAS BAHL)
JUDGE

September 13, 2023.
Davinder Kumar

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