

274

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

CWP-26593-2021

Date of decision : 01.05.2023

Vasu Koul

...Petitioner

Versus

Central Board of Secondary Examination and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. G.S. Sidhu, Advocate for
Mr. Mohit Kumar, Advocate for the petitioner.

Mr. B.S. Seemar, Advocate for respondent No.1.

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 communication dated 10.12.2020 (Annexure P-9) whereby the claim of the petitioner regarding the correction in mother's name in the Senior Secondary Examination Certificate was rejected and for issuance of a writ in the nature of mandamus directing the respondents to make necessary correction in Senior Secondary Certificate on the basis of supportive documents.

2. 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 respondents. It is further contended that the impugned order dated 10.12.2020 (Annexure P-9) was passed prior to the passing of abovesaid judgment in ***Jigyada Yadav (minor)'s case*** (Supra) and thus, the impugned order deserves to be set aside and the matter deserves to be reconsidered.

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

4. Keeping in view the abovesaid facts and circumstances, the impugned order dated 10.12.2020 (Annexure P-9) 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 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.

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.

01.05.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No