

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(245)

CWP-31529-2019

Date of decision: - 02.03.2023

Latika

....Petitioner

Versus

Central Board of Secondary Education and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Nitin Thatai, Advocate,
for the petitioner.

Mr. Kannan Malik, Advocate,
for respondent No.1.

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 mandamus directing respondent No.1 to correct the particulars/names of the parents of the petitioner by mentioning the name of the petitioner as 'Sanjay Kumar' instead of 'Sanjeev Kumar' and by deleting the surname i.e. 'Aggarwal' from her mother's name and correct the same as 'Kamini' in the Detailed Mark Certificate/Grade Sheet-cum-Certificate of performance of Class 12th of respondent No.1-Board (Annexure P-1), with a further prayer for quashing the impugned order dated 25.02.2018 (Annexure P-4) whereby respondent No.2 rejected the prayer of the petitioner.

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 “**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 submitted that since the impugned order dated 25.02.2018 (P-4) in the present case was passed prior to the said judgment, thus, the same deserves to be set aside and the matter needs to be reconsidered and has prayed that the petitioner be permitted to file a 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.

Learned counsel appearing on behalf of respondent No.1-CBSE has stated that they have no objection to the said course of action.

Keeping in view the above-said facts and circumstances, the impugned order dated 25.02.2018 (Annexure P-4) 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 02, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No