

CWP-27779-2022

1

2023:PHHC:097785

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-27779-2022

Date of decision : 31.07.2023

Aanchal Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Chander Shekhar Singhal, Advocate
for the petitioner.

Mr.Amandeep Joshi, DAG, Haryana
for respondents no.1 and 2.

Ms.Vasundhra Asija, Advocate for
Mr.P.S. Chauhan, Advocate
for respondent no.3.

VIKAS BAHL, J.(ORAL)

1. 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 letter dated 16.08.2021 (Annexure P-6) and 08.07.2022 (Annexure P-8) whereby the case for correction of the name of father of the petitioner in the mark sheet-cum-certificate for the year 2013-2014 and 2014-2015 has been refused to be corrected, although the petitioner is seeking correction of the father's name as has been mentioned in the birth certificate.

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 the parameters laid down in the said judgment would apply to respondent no.3-Board 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 respondent no.3-Board 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 respondent no.3-Board. Learned counsel for the petitioner has thus prayed that the order dated 08.07.2022 (Annexure P-8) be set aside and the matter be reconsidered.

3. Learned counsel appearing for respondent no.3-Board has stated that they have no objection to the said course of action.

4. Keeping in view the abovesaid facts and circumstances, the order dated 08.07.2022 is set aside and the present petition is disposed of in the following terms:-

i) 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.

ii) Respondent no.3-Board 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.3-Board to require the petitioner or the school to submit any document which would be required for finally considering the case of the petitioner.

(VIKAS BAHL)
JUDGE

July 31, 2023
Davinder Kumar

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