

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-25590-2023

Date of decision : 15.11.2023

Mahima Saini

... Petitioner

Versus

Central Board of Secondary Education and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Jaspal SinghMaanipur, Advocate and
Mr.Joy Preet Meelu, Advocate
for the petitioner.

Mr.Naveen Chopra, Advocate
for the respondent-CBSE.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226 of the Constitution of India for issuance of a writ, order or direction especially in the nature of a writ of mandamus directing the respondents to issue modified DMC of Class X against roll no.2163730/2016 and of Class XII against roll no.2661203/2018 by adding surname 'Saini' from 'Mahima' to 'Mahima Saini' in view of the law laid down by the Hon'ble Supreme Court in case titled as ***Jigyada Yadav (minor) (through Guardian/father Hari Singh) Vs. CBSE (Central Board of Secondary Education) and others*** reported as ***2021(7) SCC 535***.

2. Learned counsel for the petitioner has submitted that for the grievances raised by the petitioner, the petitioner has given a detailed legal notice dated 28.09.2023 (Annexure P-7) and at this stage, would be satisfied

in case the same is considered by the competent authority of the respondent-

CBSE 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.

3. On asking of the Court, Mr.Naveep Chopra, Advocate, appears and accepts notice on behalf of the respondents. He has submitted that the competent authority of the respondent-CBSE would consider the legal notice dated 28.09.2023 and decide the same within a period of 3 weeks from the date of the receipt of certified copy of the present order.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to the competent authority of the respondent-CBSE to consider the legal notice dated 28.09.2023 (Annexure P-7) of the petitioner and decide the same, in accordance with law, as expeditiously as possible, preferably within a period of 3 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 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 3 weeks from the date of the receipt of certified copy of the present order.

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

(VIKAS BAHL)
JUDGE

November 15, 2023.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No