

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(229)

CWP-200-2023

Date of decision: - 04.08.2023

Raj Kumar

....Petitioner

Versus

Punjab School Education Board Mohali and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. D.S. Patwalia, Senior Advocate
with Mr. Gaurav Rana, Advocate
for the petitioner.

Mr. Anupam Singla, Advocate
for respondent Nos.1 and 2.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of certiorari for quashing the order dated 28.03.2022 (Annexure P-10) whereby respondent No.2 has dismissed the application of the petitioner seeking correction of his date of birth from 06.12.1965 to 06.12.1968 in his 10th Class Matriculation Certificate, with a further prayer to quash the order dated 29.11.2022 (Annexure P-14) whereby appeal of the petitioner against the order dated 28.03.2022 (P-10) has also been dismissed.

2. Learned Senior 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 “*Jigyā 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 the parameters laid down in the said judgment would also apply to respondent No.1-Board. It is further submitted that since the impugned orders (Annexures P-10 and P-14) in the present case were passed after the passing of the said judgment, but the law laid down in the same has not been taken into consideration while passing the said orders, thus, the same deserve to be set aside and the matter needs to be reconsidered and prays that the petitioner be permitted to file a representation keeping in view the parameters laid down in the abovesaid judgment and further 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.

3. Learned counsel appearing on behalf of respondents No.1 and 2 have stated that they have no objection to the said course of action.

4. Keeping in view the above-said facts and circumstances, the impugned order dated 28.03.2022 and dated 29.11.2022 (Annexures P-10 and P-14), vide which the claim of the petitioner has been rejected, are 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-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.

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.

August 04, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No