

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-16694-2018

Date of decision : 24.05.2023

Muskan

... Petitioner

Versus

Secretary, Central Board of Secondary Education and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sanjeev Duggal, Advocate
for the petitioner.

Mr.Kanan Malik, Advocate
for respondent no.1.

None for respondent no.2.

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 order dated 29.06.2017 (Annexure P-6) passed by respondent no.1 with a further direction to respondents no.1 and 2 to make necessary correction in the certificate of petitioner in respect of date of birth from 04.07.2000 to 19.01.2001.

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 ***Jigyaa 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 respondent no.1 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 respondent. Learned counsel for the petitioner has further submitted that the order dated 29.06.2017 was passed prior to the judgment in the case of **Jigyada Yadav's** case (supra) and thus, the said order be set aside and the matter be reconsidered.

3. Learned counsel appearing for respondent no.1-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 29.06.2017 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.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.

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.

(VIKAS BAHL)
JUDGE

May 24, 2023
Davinder Kumar

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