

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-28030-2023

Date of decision : 14.12.2023

Bhawna Singhmar

... Petitioner

Versus

Central Board of Secondary Education and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHLPresent: Mr.Sandeep Kumar Yadav, Advocate
for the petitioner.**VIKAS BAHL, J.(ORAL)**

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside the letter / reply dated 07.06.2023 (Annexure P-7) wherein it has been informed that the request application for correction in the date of birth of the petitioner in the Secondary School Examination certificate has been rejected by the competent authority.

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 ***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 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-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 the respondent no.1-Board. It is further submitted that a perusal of letter dated 07.06.2023 (Annexure P-7) would show that the same is cryptic and non-speaking and no reason has been given for rejecting the prayer of the petitioner and the law laid down in ***Jigya Yadav*** (supra) by the Hon'ble Supreme Court has not been considered in the same. It is prayed that thus, the said letter be set aside and the matter be reconsidered by respondent no.1-Board.

3. This Court has considered the submissions made by learned counsel for the petitioner and found that impugned letter dated 07.06.2023 (Annexure P-7) is cryptic and non-speaking and no reason has been given for rejecting the prayer of the petitioner and even the law laid down in ***Jigya Yadav*** (supra) by the Hon'ble Supreme Court has not been considered in the same.

4. Keeping in view the abovesaid facts and circumstances, the impugned letter dated 07.06.2023 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 ***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.

ii) The 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 the 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

December 14, 2023.
Davinder Kumar

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