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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-28478-2023

Date of decision: 18.12.2023

Vivek Sharma

...Petitioner

Versus

Central Board of Secondary Education and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Parkash Chahar, 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 quashing the communication/decision dated 17.10.2020 (Annexure P-12) vide which respondent Nos.1 and 2 have rejected the corrections in the name of parents of the petitioner in the marksheets and further prayer has been made for issuance of a writ in the nature of mandamus directing the respondents to make corrections in the names of parents of petitioner in their respective school/official records.

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 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. It is further contended that the rejection on behalf of respondent No.1-Board vide e-mail dated 17.10.2020 (Annexure P-12) is cryptic and non-speaking and has been passed without taking into consideration the law laid down in the abovesaid judgment passed by the Hon'ble Supreme Court in ***Jigya Yadav (minor)'s case*** (Supra) and thus, the said order/communication deserves to be set aside and it is prayed that respondent No.1-Board be directed to reconsider the matter after taking into consideration the abovesaid judgment.

3. Keeping in view the abovesaid facts and circumstances, the communication/decision dated 17.10.2020 (Annexure P-12) being cryptic, and non-speaking and having been passed without taking into consideration the judgment passed by the Hon'ble Supreme Court in ***Jigya Yadav (minor)'s case*** (Supra) is set aside and the present Civil Writ Petition is disposed of in the following terms:-

a) 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 *Jigyā 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.
- b) The respondents are 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.
4. 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.
5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

18.12.2023
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No