

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(120)

CWP-2526-2024

Date of decision: - 29.02.2024

Rohit Kumar

....Petitioner

Versus

The Chairman Board of School Education Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Mohit Soni, Advocate,  
for the petitioner.

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VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ, order or direction in the nature of certiorari for quashing the impugned reply/communication dated 27.09.2023 (Annexure P-8) issued by respondent Nos.2 and 3.
2. Learned counsel for the petitioner has submitted that the petitioner had prayed for correction in the mother's name in the certificates (Annexures P-2, P-4 and P-5), but the same was rejected on 27.09.2023 by passing a cryptic order and without taking into consideration the judgment of the Hon'ble Supreme Court 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**, although, the said judgment was passed on 03.06.2021 i.e. prior to the said rejection/order dated 27.09.2023. It is further submitted that the petitioner has given a

representation dated 28.11.2023 (Annexure P-10) to the competent authority of the Board of School Education Haryana and at this stage, he would be satisfied in case, the competent authority of the Board of School Education Haryana considers the said representation dated 28.11.2023 (Annexure P-10) in the light of the judgment of the Hon'ble Supreme Court in ***Jigya Yadav (minor)'s case (supra)*** and while doing so, the observations made in the rejection order/reply dated 27.09.2023 (Annexure P-8) be not taken into consideration.

3. Keeping in view the above-said facts and circumstances, more so, the rejection order/reply dated 27.09.2023 (Annexure P-8) which is non-speaking and cryptic and which has been passed without taking into consideration the law laid down by the Hon'ble Supreme Court in ***Jigya Yadav (minor)'s case (supra)***, the competent authority of the Board of School Education Haryana is directed to consider the representation dated 28.11.2023 (Annexure P-10) filed by the petitioner, in accordance with law, within a period of six weeks from the date of receipt of certified copy of this order and in case, competent authority of the Board of School Education Haryana is of the view that the pleas raised by the petitioner are meritorious, then, the appropriate relief be granted to the petitioner, as expeditiously as possible. In case, competent authority of the Board of School Education Haryana is of the view that the pleas raised by the petitioner are meritless, then, a speaking order rejecting the claim be passed within the aforesaid period of six weeks.

4. It is made clear that while reconsidering the matter, the competent authority of the Board of School Education Haryana would

also take into consideration the law laid down by the Hon'ble Supreme Court in *Jigyada Yadav (minor)'s case (supra)* and without being influenced by the observations made in the order dated 27.09.2023 (Annexure P-8).

5. It is also made clear that this Court has not opined on the merits of the case and competent authority of the Board of School Education Haryana would consider and decide the matter independently, in accordance with law.

February 29, 2024  
naresh.k

( VIKAS BAHL )  
JUDGE

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|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |