

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(125)

CWP-4731-2024

Date of decision: - 29.02.2024

Gautam

....Petitioner

Versus

Central Board of School Education and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Sonia G. Singh, Advocate,
for the petitioner.

Mr. Munish Kapila, Advocate
for respondent No.1-CBSE.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order dated 03.08.2018 (Annexure P-11) passed by respondent No.1 vide which the case of the petitioner for the correction of the date of birth in Matriculation (Class X) Certificate has been rejected.

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 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. It is stated that since at the time of passing of the order dated 03.08.2018 (Annexure P-11), the judgment of the Hon'ble Supreme Court in ***Jigyada Yadav (minor)'s case (supra)*** had not been passed, thus, the matter be reconsidered by respondent No.1-Board de hors the observations made in the impugned order dated 03.08.2018 (Annexure P-11) and by taking into consideration the law laid down by the Hon'ble Supreme Court in ***Jigyada Yadav (minor)'s case (supra)***.

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 above-said facts and circumstances, the present Civil Writ 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-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.

(iii) Fresh consideration would be made by respondent No.1-Board without being influenced by the order dated 03.08.2018 (Annexure P-11).

4). Needless to mention here that it would be open to respondent No.1-Board to require the petitioner to submit any document which would be required for finally considering the case of the petitioner.

February 29, 2024
naresh.k

(VIKAS BAHL)
JUDGE

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