

CM-3473-CWP-2024 in
CWP-7795-2021

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2024:PHHC:031049

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(250)

CM-3473-CWP-2024 in
CWP-7795-2021
Date of decision: - 05.03.2024

Arun Kumar

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Munish Gulati, Advocate
for the applicant-petitioner.

Ms. Neha Sonawane, DAG, Punjab
for respondent No.1.

Mr. Ashish Verma, Advocate
for non-applicant/respondent No.2.

VIKAS BAHL, J. (ORAL)

CM-3473-CWP-2024

This is an application under Section 151 CPC for
modification/recalling of the order dated 06.02.2023.

For the reasons mentioned in the application, which is duly
supported by an affidavit, the same is allowed. The order dated
06.02.2023 is recalled and the main writ petition is restored to its original
number.

CWP-7795-2021

1. Present writ petition has been filed under Article 226/227 of
the Constitution of India for issuance of a writ in the nature of mandamus

directing the respondents to make necessary correction in the date of birth in 10th Class mark sheet (Annexure P-1) from 10.04.2001 to 10.04.2002.

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 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.

3. Learned counsel appearing on behalf of respondent No.2- Board has stated that in case any detailed representation is moved by the petitioner, the same would be considered after taking into consideration the relevant law and regulations.

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 ***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) Respondent No.2-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, after taking into consideration the relevant law and regulations.

5. Needless to mention here that it would be open to respondent No.2-Board to require the petitioner or the school to submit any document which would be required for finally considering the case of the petitioner.

March 05, 2024
naresh.k

(VIKAS BAHL)
JUDGE

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