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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7714-2024
Date of decision: 05.04.2024

Kakshi ...Petitioner

Versus

Central Board of Secondary Education and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Simrandeep S. Sandhu, 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 the issuance of a writ in the nature of mandamus directing respondent Nos.1 and 2 to correct the date of birth of the petitioner in the Secondary School Mark Sheet-cum-Certificate (Annexure P-2) from 29.11.2004 to 03.12.2004 as the same is reflected in her Birth Certificate and other documents.
2. Learned counsel for the petitioner has submitted that in the present case, difference in the actual date of birth and date of birth which has been mentioned in the Certificate is only four days and for the said purpose, the petitioner had given representation to respondent No.1-CBSE but respondent No.1, vide order dated 29.01.2024 (Annexure P-16) in a cryptic manner rejected the same without even taking into consideration the abovesaid fact and also the law laid down by the Hon'ble Supreme Court in Jigyada 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, in which the entire issue with respect to changes/correction to be made in

the Certificate issued by the CBSE has been adjudicated. It is submitted 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.

3. Keeping in view the abovesaid facts and circumstances, the order dated 29.01.2024 (Annexure P-16) 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 *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.
- 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.

05.04.2024

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No