

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P. No. 33586 of 2015

M. Petchimuthu

..Petitioner

Vs.

1. The Director of School Education,
DPI Complex, College Road,
Nungambakkam,
Chennai - 600 034.
 2. The Director of Government
Examination,
DPI Complex, College Road,
Chennai - 600 006.
 3. The District Education Officer,
Thirunelveli.
- ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to correct the name of the petitioner as "Petchimuthu" instead of "Pitchaimuthu" and the date of birth as "24.05.1987" instead of "10.08.1985" by considering the representation dated 10.10.2015 within a specified period.

For Petitioner :: Mrs.T. Aananthi

For Respondents :: Mrs.P. Rajalakshmi,
Govt. Advocate.

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the respondents to correct the name of the petitioner as "Petchimuthu" instead of "Pitchaimuthu" and the

date of birth as "24.05.1987" instead of "10.08.1985" by considering the representation dated 10.10.2015 within a specified period.

2. The petitioner's father died in 2008 while working as Trackman in Southern Railway and as a dependent, the petitioner applied for appointment on compassionate grounds and submitted all the necessary documents. However, in the SSLC mark sheet furnished by the petitioner, his name was wrongly stated as "M. Pitchaimuthu" instead of "M. Petchimuthu" and his date of birth was wrongly stated as "10.08.1985" instead of "24.05.1987" and owing to the discrepancy, his appointment order was kept in abeyance. On coming to know about the said mistake, the petitioner approached the 3rd respondent seeking appropriate correction as well as the Headmaster of St. John's Higher Secondary School, Palayamkottai, where he studied. The Headmaster of the said school forwarded the School Admission Application Form, Admission Register, Record Sheet, Birth Certificate and Transfer Certificate along with his recommendation dated 25.08.2015 to the 1st respondent through the 3rd respondent. However, on the basis of the earlier proceedings of the 1st respondent dated 09.05.2014, the 3rd respondent, by his proceedings dated 11.09.2015, informed that the petitioner has to approach the jurisdictional Civil Court. Thereafter, the petitioner made a representation to respondents 1 and 2 dated 10.10.2015 and on its non-consideration, the petitioner has come forward with the present writ petition.

3. The facts are not in dispute. The communication sent by the Headmaster of St. John's Higher Secondary School, Palayamkottai, clearly indicate that the petitioner's name is "M. Petchimuthu" and his date of birth is "24.05.1987". For the mistake committed by somebody, the petitioner cannot be made to suffer. Perhaps, the School Authorities might have committed the mistake while giving the petitioner's name and date of birth at the time of SSLC examination. When there is no dispute regarding the facts, the petitioner cannot be unnecessarily driven to the Civil Court, that too, when he is not at fault.

4. For the aforesaid reasons, the writ petition is allowed. The 3rd respondent is directed to send necessary papers, as forwarded to him by the Headmaster of St. John's Higher Secondary School, Palayamkottai, on 25.08.2015, to the 2nd respondent, within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the 2nd respondent will have to forward the said particulars to the 1st respondent, who shall pass appropriate orders, within a period of eight

weeks therefrom, regarding necessary correction to be made in the SSLC marksheet of the petitioner to the effect that his name is "M. Petchimuthu" and his date of birth is "24.05.1987". No costs.

sd/
ASSISTANT REGISTRAR (CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

nv

To

1. The Director of School Education,
DPI Complex, College Road,
Nungambakkam,
Chennai - 600 034.
2. The Director of Government
Examination,
DPI Complex, College Road,
Chennai - 600 006.
3. The District Education Officer,
Thirunelveli.

+1 CC to MR.T. Aananthi Advocate. SR.NO. 61913
+1 CC to Govt.Pleader. SR.NO. 61997

W.P. No. 33586 of 2015

CO-KJI
JD 24/11/2015

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