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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2015

C O R A M

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition (MD) No.20058 of 2014

M.Valarmathi ... Petitioner

Vs.

1.The Chief Educational Officer,
Tiruchirappalli.

2.The Headmaster,
Government Boys Higher Secondary School,
Mannachanallur, Trichy District.

3.The Principal,
Sribala Vidyamandir,
Matric Higher Secondary School,
No.1, Toll Gate, Paluvoor,
Trichy 621 216
(R-3 is impleaded vide order
dated 10.08.2015 made in M.P.No.1 of 2015)

4.The Director of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai 600 006.
(R-4 is impleaded vide order
dated 24.08.2015 made in M.P.No.2 of 2015) .. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to change the initial of the petitioner's adopted son namely, Minor Sanjay from S to T within the time stipulated by this Court.

For Petitioner : M/s.J.Nisha Banu

For Respondents 1,2&4 : Mr.N.S.Karthikeyan,
Additional Government Pleader.

**ORDER**

This writ petition has been filed by one Valarmathi, W/o.K.Marimuthu, mother of a minor by name Sanjay who was adopted by her along with her first husband namely, Thavasimani seeking for a Writ of Mandamus directing the respondents to change the initial of the petitioner's adopted son namely minor son Sanjay from 'S' to 'T' within the stipulated time.

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2.Heard the parties on both sides.

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3.M.Valarmathi after marrying Thavasimani jointly adopted minor son Sanjay with the consent of his parents Subramani and Chithra. On an earlier occasion, when a dispute arose with regard to the very same child between the biological parents and the adopted parents, I being a party to the dispute in C.M.A.No.1405 of 2012, dated 20.11.2012 passed the following order:-

"2. The issue raised in the present case is relating to the custody of the child viz., Sanjai. The child was originally adopted by the petitioner and her husband in the year 2001. Unfortunately, the father demised in the year 2002, thereafter, the petitioner married one Marimuthu in the year 2005, who is also having two children. In view of that, the respondent No. 3/mother took back the custody of the child from the petitioner, who is the adoptive mother

3. In these circumstances, the petitioner approached this Court, and this Court referred the matter to the Mediation and Conciliation Centre attached to this Bench to make an attempt to resolve the issue amicably and the matter was finally resolved amicably by both the parties and a settlement has been reached before the Mediation and Conciliation Centre. Now the child was restored back at the hands of the petitioner. In view of the amicable settlement reached between the parties, the parties are directed to abide by the settlement, dated 03.10.2012. The Civil Miscellaneous Appeal is disposed of. No costs".

4.Under this background, now the adopted father Mr.Thavasimani unfortunately demised on 11.01.2002. Pursuant thereto, M.Valarmathi, has married K.Marimuthu. However, since minor Sanjay was adopted by the petitioner along with her first husband Thavasimani, Late.Thavasimani is adopted father of Sanjay. Therefore, in the educational certificate of minor, the biological father's name of the minor Sanjay has to be changed/altered.

5.In this regard, the petitioner has given a representation to the school for change of his father's name and his initial.

6.The first respondent has issued proceedings in Aa.Thi.Mu.No.7204/A7, dated 18.09.2013 directing the second respondent Headmaster of the Government Boys Higher Secondary School, Manachanallur, Trichy District to follow the Government rules regarding changes of initials and act on similar request as per the existing proceedings dated 27.06.2013 issued by the Director of School Education.

7.In view of the above, the petitioner is directed to produce a copy of this order along with the proceedings dated 27.06.2013 issued by the Director of School Education to the third respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the third respondent is directed to change the name of the father of the minor Sanjay from D.Subramani to Thavasimani and also effect the initial accordingly, within two weeks thereafter.

8.With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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4 The Principal,
Sribala Vidyamandir,
Matric Higher Secondary School,
No.1, Toll Gate, Paluvoor,
Trichy 621 216.

+1cc to M/S. J.NIKSHA BANU, Advocate in SR.No 48775

TS/25.08.2015/3P - 6C KBM/SAR -I

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24.08.2015

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