

THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No.24226 OF 2015
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ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a Writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents in not accepting the petitioner's application for correction of school records with regard to the name of the petitioner's father as per Gazette No. 101 dated 10-4-2014 under G.O.Ms.NO. 1263 dated 6-5-1961 for correction of name as M.Mangaiah @ Jayaramaiah as illegal, arbitrary, unconstitutional and contrary to Law and consequently direct the respondents to accept the petitioners' request application for change of name of Petitioner's father as Mentioned in G.O.No. 101 dated 10-4-2014 issued by the 1st respondent and to issue the necessary changed certificate to the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. According to the petitioner, he studied S.S.C. and passed the same in the year May, 2002. It is pleaded that in the S.S.C. pass certificate, petitioner's name was correctly printed but his father's name was entered as 'Jayaramaiah', even though the same is Sri M.Mangaiah @ Jayaramaiah, and the same was followed in the intermediate pass certificate issued in the year 2005. It is pleaded in the writ affidavit that the petitioner's father was working in South Central Railway and in his ID proof, his name was mentioned as M.Mangaiah @ Jayaramaiah and the petitioner's father died in an accident, while in government service, on 28.02.2011.

3. It is further pleaded that the petitioner herein got his father's name amended by way of Gazette Notification dated 10.04.2014 and a copy of the said Gazette Notification is placed on record. It is the grievance of the petitioner herein that after publication of the same,

petitioner approached 2nd respondent, requesting to make necessary corrections with regard to the change of his father's name and according to the petitioner, the same is required for compassionate appointment in accordance with the G.O.Ms.No.1263, Education Department, dated 06.05.1961. The complaint of the petitioner herein is that the 2nd respondent is not accepting his application. In the above background, the present writ petition has been filed.

4. It is submitted by the learned counsel for the petitioner that the action of the 2nd respondent in not accepting the application of the petitioner herein is highly illegal and arbitrary.

5. On the contrary, it is submitted by the learned Government Pleader that there is no evidence on record to show that the petitioner herein approached the 2nd respondent by way of any representation.

6. The State Government Vide G.O.Ms.No. 1263, Education Department, dated 06.05.1961, framed the rules, governing the correction of date of birth in Secondary School Leaving Certificates, Higher Secondary Certificates and Higher Secondary (Multipurpose) Certificates. Section C of the said governmental order reads as under:

SECTION-C

RULES FOR THE CORRECTION OF THE ENTRIES RELATING TO THE NAME, SURNAME, FATHER'S NAME, CASTE, RELIGION ETC., IN COMPLETED SECONDARY SCHOOL LEAVING CERTIFICATE OR HIGHER SECONDARY CERTIFICATES OR HIGHER SECONDARY (MULTIPURPOSE) CERTIFICATES.

(1) *No application shall be entertained by the Government or any officer of the Educational Department for the correction of the entries relating to name, father's name, caste, religion etc., in the completed Secondary School Leaving Certificate or Higher Secondary Certificates or Higher Secondary Certificates or Higher Secondary (Multipurpose) Certificates, unless it be for the correction of obviously absurd entries or clerical mistakes committed in the school or office records of the Education Department.*

(2) *The person affected may, however, arrange to notify at his or her own cost, any such*

change of name, father's name caste or religion in the Andhra Pradesh Gazette and shall keep a copy of the notification in the concerned certificate.”

7. In the instant case, except an averment in the writ affidavit that the petitioner herein approached the 2nd respondent with a request for effecting necessary corrections in the S.S.C. certificate, no other evidence is placed on record to support the same.

8. In view of the above, without expressing any opinion on the merits and demerits of the case, this court deems it appropriate to keep it open to the petitioner herein to make an application in accordance with the said governmental instructions to the competent authority.

9. For the aforesaid reasons, the writ petition is disposed of, directing the petitioner herein to submit an appropriate application before the 2nd respondent herein, enclosing all the material, within a period of one month from the date of receipt of this order. If any such application is made by the petitioner herein, the same shall be considered and appropriate orders be passed by the 2nd respondent, in accordance with law, within a period of two months from thereafter.

10. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

18th August, 2015

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