

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23/3/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.30350 of 2015

R.Madhumitha
rep. By her father & natural guardian
Mr.S.Rajan
Chennai 600 048. ... Petitioner

Vs

1. The Regional Officer
Central Board of Secondary Education
CBSE
Regional Office
New No.3 Old No.1630 - A
Anna Nagar (West)
Chennai 600 040.
2. Central Board of Secondary Education
(CBSE)
Shiksha Kendra
2 Community Centre
Preet Vihar
Delhi 110 301. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the first respondent in his proceedings vide CBSE/RO(M)/CORRN/REJN/6577/2015 dated 25/6/2015 made therein and quash the same and further direct the respondents to change the mother's name of the petitioner in her all X standard School certificates and Mark Sheet etc.

For Petitioner ... Mr.Anand

For respondents ... Mr.G.Nagarajan

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal.

2. Heard Mr.Anand, learned counsel for the petitioner and Mr.G.Nagarajan for the respondents.

3. This writ petition has been filed praying to quash the order passed by the first respondent, in proceedings No.CBSE/RO(M)/CORRN/REJN/6577/2015, dated 25/6/2015 and further direct the respondents, to change the name of the mother of the minor girl, in her X standard School certificates.

4. In the affidavit sworn to by the father of the minor girl, filed in support of the writ petition, it is stated that the marriage between the petitioner and his first wife A.Malarmathy, was solemnized on 7/9/1994. After giving birth to a child, i.e, within eight days, mother of the minor girl died on 9/6/1998. Thereafter, the petitioner was forced to go for a second marriage with one P.Sasikala, on 12/12/1999. The minor girl had believed that P.Sasikala, who is the second wife of the petitioner, is her natural mother.

5. The Government had issued the birth certificate, duly mentioning the father's name as Mr.S.Rajan and mother's name as Late A.Malarmathy. The minor girl is now pursuing XI standard in Srimathi Sundaravalli Memorial School, Chromepet, Chennai 600 044. But in the +2 records of petitioner's daughter, the name of P.S.Sasikala was entered instead of mentioning the name of the biological mother of petitioner namely A.Malarmathy. The petitioner had taken necessary steps to correct the error that had crept in the +2 records in mentioning the name of petitioner's mother and the same was accepted and taken on record by the School authorities.

6. When the petitioner approached the school authorities for the change of name of the mother of the minor girl from P.Sasikala to A.Malarmathy, who is the biological mother of R.Madhumitha, in X Standard mark sheets, transfer certificate, migration certificate and other records of the petitioner, they had directed the petitioner, to take up the aforesaid issue with the first respondent. On behalf of the petitioner, the School Principal, sent a letter to the first respondent, vide letter, dated 4/8/2015, to enter the name of the biological mother late A.Malarmathy, in the place of P.Sasikala, in the mark sheets, transfer certificate, migration certificate and other certificates of minor girl R.Madhumitha, enclosing all the necessary proof and documents.

7. The first respondent vide letter, dated 25/8/2015, rejected the request of the petitioner, stating that the request for name correction has to made, within one year from

the date of declaration of result and hence rejected the request of the petitioner on the ground of lapse of time. Hence the petitioner had come forward with the present writ petition praying for the relief as stated above.

8. A counter affidavit was filed on behalf of the respondents 1 and 2, stating that whatever name that has been furnished by the parents is mentioned in the School record and whatever name furnished by the school in the list of candidates is carried on in the Marks Certificate issued by the CBSE Board.

9. It is further stated in the counter affidavit that as per the amended byelaw 69.1 (i), applications regarding changes in names or surnames of candidate could be considered and the change of parents name will not be entertained.

10. According to the learned counsel appearing for the petitioner, the mistake has been occurred, in the tenth standard mark sheet, transfer certificate, migration certificate and other records, since the petitioner has given the name of her mother as P.Sasikala, who is the second wife of the petitioner's father S.Rajan. Further more, it is also submitted by the petitioner that the petitioner is having proof to show that the name of the mother of the minor girl is late Malarmathi.

11. Hence considering the factual aspects of the case, I am of the opinion that in the interest of justice, the first respondent can be directed to reconsider their decision and pass an appropriate order afresh. Accordingly, the order, dated 25/6/2015, is set aside and the matter is remitted back to the first respondent and the first respondent is directed to conduct an enquiry, by affording an opportunity of personal hearing to the petitioner and pass an appropriate order with regard to entering of name of the biological mother of minor petitioner in the School records, by deleting the name of P.Sasikala, who is the step mother of petitioner, on merits and in accordance with law, within a period of four weeks, from the date of receipt of a copy of this order. The petitioner is also directed to produce relevant documents to substantiate his case.

12. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mvs.

To

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Shiksha Kendra
2 Community Centre
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Delhi 110 301.

+1 cc to Mr.Anand Samy, Advocate, sr.18459
+1 cc to Mr.G.Nagarajan, Advocate, sr.18868

W.P.No.30350 of 2015

mp co
kra 01.04.2016



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