

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2016

CORAM

THE HON'BLE Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE Mr.JUSTICE M.M.SUNDRESH

W.P. No.19080 of 2009
and M.P.Nos.1 of 2009 and 1 of 2010

1. The Director of School Education,
College Road,
Chennai - 6.
2. The Chief Educational Officer,
Kancheepuram,
3. The District Educational Officer,
Kancheepuram. ...Petitioners

Versus

1. C.Shanmugasundaram,
No.35-C, Vlatheeswaran Koil
Street, Kancheepuram,
2. The Registrar,
State Human Rights Commission,
Tamil Nadu, Greenways Road,
Chennai-6. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorari to call for the records pertaining to the Order dated 27.7.2009 passed by the 2nd respondent herein in SHRC No.4848 of 2009 dated 27.7.2009 and quash the same.

For Petitioner :: Mr.S.T.S.Moorthy,
Govt.Pleader
for Mr.V.Shanmughasundar,
Government Advocate

For Respondents :: Mr.A.S.Narasimhan
for respondent No.1
Mr.G.Anbumani
for respondent No.2

O R D E R
(Order of the Court was made by M.M.Sundresh,J.)

The first respondent made a request before District Educational Officer, Kancheepuram, on 13.11.1995 seeking change of date of birth of his son - S.Parthiban stating that the marriage of the first respondent itself was on 15.09.1978 and the date of birth of his son - S.Parthiban was wrongly mentioned in the 10th Standard mark sheet as 25.05.1977 instead of 25.08.1979. As the said request was not considered, a suit in O.S.No.650 of 2000 was filed by the first respondent before the Additional District Munsif, Kancheepuram, in which, an exparte decree was passed on 26.07.2002. Thereafter, an application in I.A.No.831 of 2006 in O.S.No.650 of 2000 was filed by the Educational Authorities to set aside the decree with condonation of delay of 1636 days and the said application was dismissed on 20.10.2006. Thus, the attempt made by the Educational Authorities to set aside the exparte decree has ended in failure and the decree dated 26.07.2002 has become final.

2. Thereafter, a communication was sent by the District Educational Officer, Kancheepuram on 13.02.2007. It was followed by several reminders, for which, the Director of School Education has failed to react. Only during the pendency of the proceedings before the State Human Rights Commission, Tamil Nadu, the second respondent herein in SHRC No.4848 of 2009, requisite correction was made in the school certificate on 09.07.2009. Thus, taking note of the abovesaid facts, by an order dated 27.07.2009, costs of Rs.25,000/- was imposed by the second respondent. Challenging the same, the present writ petition has been filed.

3. The learned Government Pleader appearing for the petitioners submitted that it is not mandatory on the part of the Educational Authorities to make necessary correction qua the date of birth. The first respondent has not approached the proper authority. In the absence of any specific provision making it mandatory on the part of the Educational Authorities to do the requisite act, the costs cannot be imposed by the second respondent.

4. The issue is not one of correction of the school certificate by the authority concerned, but the inordinate delay caused leading to the mental agony suffered by the first respondent and his son. A perusal of the order under challenge would show that the first respondent was made to run from pillar to post. Atleast the Educational Authorities ought to have acted after the decree obtained by the first respondent. At every stage, there was negligence on the part of the Educational Authorities. The decree was passed way back in the year 2002 i.e. on 26.07.2002. Thereafter, the Educational Authorities

came out of slumber by filing an application to set aside the ex-parte decree after a period of four years. Even thereafter, the decree was not given effect to, though it attained finality. Only during the pendency of the proceedings before the second respondent, necessary corrections were made. Therefore, this Court does not find any reason to interfere with the order passed by the second respondent.

5. For the foregoing reasons, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

raa

To

The Registrar,
State Human Rights Commission,
Tamil Nadu, Greenways Road,
Chennai-6.

+ 1cc to the Government Pleader Sr.22149
+ 1 cc to Mr.G. Anbumani, Advocate Sr.22066

W.P.No.19080 of 2009

VD(CO)
Eu 03.05.16

सत्यमेव जयते

WEB COPY