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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 22.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.15507 of 2016

V.Kamaraj

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Fort St.George,
Chennai - 600 009.

2.The Director of School Education,
Directorate of School Education,
DPI Compound,
Chennai 600 006.

3.The Head Master,
Balamandiram Higher Secondary School,
Old Natham Road,
Madurai - 14.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent to rectify anomaly of Community name in Petitioner's son Transfer Certificate (Serial No.6557) and same issue fresh Transfer Certificate with correct community name as "Hindu Vadukar" as per the Community Certificate issued by the Revenue Authority, by considering the Petitioner's representation, dated 27.06.2016 within a stipulated time fixed by this Court.

For Petitioner : Mr.T.Sivakumar

For Respondents : Mr.V.Muruganandam
Addl.Govt.Pleader

ORDER

Heard both sides.

2.By consent, the main Writ Petition itself is taken up for final disposal.

3. No counter is filed on behalf of the Respondents.



4. According to the Petitioner, he had admitted his son Karthik Kesavan in the Third Respondent / Balamandiram Higher Secondary School, Madurai, in the year 2014 and had submitted Community Certificate as, "Hindu Vadukar". Subsequently, his son Karthik Kesavan completed 10th Standard in the Third Respondent School, in the year 2014 and his son had obtained Transfer Certificate in the Third Respondent / School. However, his Son's Transfer Certificate, the Educational Authority had wrongly noted his community as, "Gavarava Naidu". In fact "Hindu Vadukar" and "Gavarava Naidu" both coming under the Backward Community category.

5. The real stand of the Petitioner is that his other two sons had also studied in the Third Respondent / School and their community in their Transfer Certificate is mentioned only as "Hindu Vadukar", as per the Community Certificate. Subsequently, his son had completed XII Standard through the private examination in the year 2016 and obtained 859 marks. Later, the Petitioner's son joined B.Com., Course in Yadhava Arts College, Madurai. At that time only, he found that the community name was wrongly mentioned in his son's Transfer Certificate, issued by the Respondents. As such, he had submitted a detailed representation, on 27.06.2016, to the Respondents, through Registered Post. After receiving his representation, the Third Respondent / School had issued a reply stating that the Third Respondent / School has no power and he is not the Competent Authority to change the community name in the Transfer Certificate. Hence, he has filed the Present Writ Petition.

6. Considering the fact that the Petitioner's representation, dated 27.06.2016, addressed to the Respondents is pending as on date, without any disposal, at this stage, this Court, in the interest of justice, fair play, directs the Second Respondent / Director of School Education, Chennai, to look into the representation of the Petitioner, dated 27.06.2016, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the Second Respondent / Director of School Education, Chennai, is to pass a reasoned speaking orders, on merits, (Of-course, after providing necessary opportunity to the Petitioner and others concerned, by following the principles of natural justice), within a period of six weeks, thereafter.

7. It is open to the Second Respondent / Director of School Education, Chennai, to call for necessary records from the Petitioner or to seek any certified copy of records relevant to the decision being arrived at in regard to the representation of the Petitioner, dated 27.06.2016 and in this regard, the Second Respondent / Director of School Education, Chennai, shall issue a Memo / Notice to the Petitioner, requiring the Petitioner to submit the same within a time frame to be determined by him.



Soon after receipt of necessary records / copy of the documents, the Second Respondent / Director of School Education, Chennai, shall pass necessary orders, based on the representation of the Petitioner, dated 28.06.2016, within the time adumbrated by this Court, as stated supra. The Petitioner is directed to lend his assistance and co-operation to the Second Respondent, so as to enable him to do the needful, within the time determined by this Court.

8. With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/
Assistant Registrar(P&A)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Secretary to Government,
The State of Tamil Nadu,
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School Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
Directorate of School Education,
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Chennai 600 006.
3. The Head Master,
Balamandiram Higher Secondary School,
Old Natham Road,
Madurai - 14.

+1cc to Special Government Pleader in SR.No.46526

W.P(MD)No.15507 of 2016
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MPK
PA/DB/31.08.2016/3P/5C