

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.03.2017

CORAM

THE HON'BLE THIRU. JUSTICE N.KIRUBAKARAN

W.P.No.211 of 2017

C.Sivakumar

... Petitioner

versus

1. The Director of School Education,
Directorate of School Education,
DPI Compound, College Road,
Nungambakkam,
Chennai - 600 006.
 2. The District Education Officer,
Office of the District Education Officer,
Dharmapuri District - 636 005.
 3. The Head Master,
Government Higher Secondary School,
Naripalli, Harur Taluk,
Dharmapuri District - 636 906.
 4. The Head Master,
Government High School,
Chikkalur Village,
Harur Taluk,
Dharmapuri District - 636 906.
- ... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the relevant records relating to impugned order of rejection on the file of the 2nd respondent in Moo.Mu.No.4429/A4/2016, dated 02.09.2016 and to quash the same and consequently direct the 2nd respondent to write the name in all future school records and make necessary corrections in the entries as to the father's name as Sivakumar instead of Kumar in the relevant column of petitioner's daughter's school transfer certificate, bearing Serial No.23/15-16, dated 02.06.2015 issued by the 4th respondent after considering the representaton dated 22.07.2016.

For Petitioner : Mr.C.E.Pratap
For Respondents : Mr.Sanjay Gandhi
Additional Government Pleader

J U D G E M E N T

The petitioner has approached this Court challenging the order passed by the second respondent by which the petitioner's request to change his name as Sivakumar instead of Kumar in the School Leaving Certificate given to his daughter Miss.Sneha was rejected.

2. The petitioner contends that Miss.Sneha is presently studying 12th Standard at third respondent school and waiting to write her +2 examination in March 2017. Though his name is Sivakumar, the school authorities have entered his name as Kumar as father of Miss. Sneha. Therefore, the petitioner sent a representation on 22.07.2016 to make the correction in the name of the petitioner's daughter in the school certificates wherever necessary. The said representation was considered and the Impugned Order has passed rejecting the petitioner's request.

3. Mr.C.Pratap learned counsel appearing for the petitioner would submit that though the petitioner's name is C.Sivakumar, he is normally called as Kumar. The family card, Aadhaar Card, Voter's Identity Card of the petitioner reflected his name as only Sivakumar. Therefore, the error committed by the school authorities has to be changed.

4. On the other hand, the learned Additional Government Pleader would oppose the writ petition stating that as per Rule 5 of the Tamil Nadu Secondary School Leaving Certificate, the statement and entries made in the school certificate including the transfer certificate cannot be corrected.

5. A perusal of the records would show that in the Secondary School Leaving certificate of the petitioner's daughter as well as the transfer certificate issued by the previous school, the name of the petitioner was recorded only as Kumar. Therefore, it is clear that the petitioner ought have given his name as Sivakumar at the time of admission of his daughter in the school. Unless the petitioner furnishes his correct name, the school authorities cannot be expected to record his correct name. Therefore, the corrections sought for by the petitioner at this stage cannot be permitted as per Rule 5. If such corrections are permitted to be made at this stage,

it will open the flood gate and with many petitions seeking certain corrections in the name recorded in the certificate or any other information provided therein and it will have serious consequences not only regarding the administration of the school authorities but it will give rise to a cause of action for a civil dispute. Therefore, the impugned order is sustainable according to law and the petition is dismissed. However, it is open to the petitioner to approach the Civil Court to establish before it, by way of adducing evidence that his name is only Sivakumar and not Kumar. In other words, the grievance of the petitioner can be adjudicated only by the competent Civil Court. No costs.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

elp

To

1. The Director of School Education,
Directorate of School Education,
DPI Compound, College Road,
Nungambakkam, Chennai - 600 006.
2. The District Education Officer,
Office of the District Education Officer,
Dharmapuri District - 636 005.
3. The Head Master,
Government Higher Secondary School,
Naripalli, Harur Taluk,
Dharmapuri District - 636 906.
4. The Head Master,
Government High School,
Chikkalur Village, Harur Taluk,
Dharmapuri District - 636 906.

+1cc to M/s.C.E.Pratap,Advocate sr15960

+1cc to Government Pleader sr.16047

W.P.No.211 of 2017

mp(co)

ss(4/5/2017)