

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2017

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

And

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1132 of 2013

And

M.P.No.1 of 2013

1. The Assistant Commissioner
Kendriya Vidyalaya Sangathan
IIT Campus, Chennai - 600 036.

2. The Principal
Kendriya Vidyalaya
Air Force Station, Avadi,
Chennai - 600 055.

... Appellants

Vs.

Binoy Kumar Mondal

.... Respondent

Prayer:

Writ appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 08.04.2009 in W.P.No.1280 of 2009.

calling for the records pertaining to the impugned order No. F.10-Estt (130)/WP 25012/08 - KVS (CHER) dated 09.01.2009 passed by the 1st respondents and quash the same and further direct the respondents to correct the date of birth of the petitioners son Sauma kanti Mondal studying in class IX at 2nd respondent school as 04-04-1994 in place of 01-04-1994 in the admission register and other connected school records on the basis of the birth certificate issued by Registrar of Birth and Death, New Barrackpore Municipality in registration No. 234 of 1994 dated 25-6-1994...

For Appellants : Mr.M.Vaidyanathan

For Respondent : Mr.T.Sundaranathan

J U D G M E N T

(Order of the Court was made by M.DHANDAPANI,J.)

This writ appeal has been filed by the appellant seeking to set aside the order dated 08.04.2009 passed in W.P.No.1280 of 2009.

2.Heard the learned counsel appearing for the appellants and the learned counsel appearing for the respondent.

3.The brief facts of the case are as follows:

The respondent herein filed writ petition in W.P.No.1280 of 2009 challenging the impugned order therein dated 09.01.2009, wherein, the application made by the respondent for correction of his son's date of birth as 04.04.1994 in the place of 01.04.1994 in the admission register and other school records was rejected. After hearing the arguments advanced on either side, the learned Single Judge of this Court allowed the writ petition by setting aside the impugned order therein and directed the respondents therein to correct the date of birth of the respondent's son. Challenging the same, this intra Court appeal has been filed.

4.Today, when the matter is taken up for consideration, the learned counsel appearing for the respondent submitted that pursuant to the order dated 08.04.2009 passed in W.P.No.1280 of 2009, the date of birth of the respondent's son was corrected by the School Authorities and hence, the prayer sought for in this appeal has become infructuous.

5.In view of the submission made by the learned counsel appearing for the respondent, this intra Court appeal is dismissed as infructuous as nothing survives in this appeal for adjudication. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Commissioner
Kendriya Vidyalaya Sangathan
IIT Campus, Chennai - 600 036.

2. The Principal
Kendriya Vidyalaya
Air Force Station, Avadi,
Chennai - 600 055.

+lcc to M/s.M.Vaidyanathan, Advocate, S.R.No.46087
+lcc to M/s.T.Sundaranathan, Advocate, S.R.No.45448

W.A.No.1132 of 2013
And
M.P.No.1 of 2013

SSI (CO)
CU (21/07/2017)



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