

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-06-2017

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.16442 of 2017

M.Mahabub John

...

Petitioner

-Vs-

1. The Director of School Education,
DPI Campus,
College Road, Chennai-600 006.
2. The District Elementary Educational Officer,
Krishnagiri District.
3. The Headmaster,
Government High School,
Javalagiri-635 118,
Tenkanikottai Taluk, Krishnagiri District. ... Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to consider the representation of the petitioner dated 03.06.2017 to correct the transfer certificate dated 23.05.2009 by correcting the name of the petitioner's father as Bakshu instead of Makbul in accordance with the community certificate, nativity certificate, Aadhar Card, Legal Heirship certificate and Birth Certificate.

For Petitioner : Ms.Dakshayani Reddy

For Respondents : Mr.V.Anandhamurthy,
Additional Government pleader
(R1 to R3)

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O R D E R

This Writ Petition has been filed seeking for a direction to the respondents herein to consider the representation of the petitioner dated 03.06.2017, to correct the transfer certificate dated 23.05.2009 by correcting the name of the petitioner's father as Bakshu instead of Makbul in accordance with the

community certificate, nativity certificate, Aadhar Card, Legal Heirship certificate and Birth Certificate.

2. The case of the petitioner is that he belongs to the Backward Class Muslim category and his father was a Government servant and was constantly getting transferred. Since, the petitioner's father was on the transferable job, the petitioner's uncle being the eldest member of the family used to take care of the education of the children such as admitting the children into the school. Accordingly, the petitioner was admitted to the Government High School at Javalagiri and the petitioner's uncle i.e. Makbul was shown as parent/guardian of the petitioner at the time of admission into the school. The petitioner successfully completed the tenth standard and passed out the school in the year 2009 and accordingly the Transfer Certificate dated 23.05.2009 was issued to the petitioner as if the petitioner's father was Makbul. It is his further case that petitioner's father Bakshu died on 28.06.2016 leaving behind him, the petitioner, the petitioner's mother and four daughters as legal heirs. Hence, the petitioner sought to apply for compassionate appointment. When the petitioner sought to get all the documents together for making an application under compassionate grounds, the petitioner realized the mistake in the Transfer Certificate wherein the petitioner's uncle's name is shown as the father/guardian. Therefore, the petitioner gave a representation to the first respondent on 03.06.2017 herein along with the petitioner's Birth Certificate, Community Certificate, Nativity Certificate, Aadhar Card and Legal Heirship certificate (wherein the petitioner's father is only shown as Bakshu) seeking to correct the name of the petitioner's father, in the transfer Certificate as Bakshu instead of Makbul, in accordance with the community certificate, nativity certificate, Aadhar card, Legal Heirship Certificate and Birth Certificate. Since, no response is forthcoming from the first respondent, the petitioner has come forward with this Writ Petition seeking for the aforesaid relief.

3. Heard the learned counsel for the petitioner as well as learned Additional Government Pleader appearing for the respondents.

4. Considering the limited scope of prayer sought for in this Writ Petition, without going into the merits of the case, this Court directs the first respondent to consider and dispose of the representation of the petitioner dated 23.05.2009, on merits and in accordance with law and pass orders within a

period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

arr/sm

To

1. The Director of School Education,
DPI Campus,
College Road, Chennai-600 006.
2. The District Elementary Educational Officer,
Krishnagiri District.
3. The Headmaster,
Government High School,
Javalagiri-635 118,
Tenkanikottai Taluk, Krishnagiri District.

+1cc to Ms.Dakshayani Reddy, Advocate, S.R.No.45523
+1cc to the Government Pleader, S.R.No.45918

W.P.No.16442 of 2017

AK(CO)
CS/18/07/17

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