

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2017

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.25667 of 2016

Kalaivani

... Petitioner

Vs.

1. The Central Board of Secondary Education,
rep. by Controller of Examinations,
New No.3 (Old No.1639-A) J Block,
16th Main Road, Anna Nagar West,
Chennai-40.

2. The Principal,
Vel's Vidyashram,
P.V.Vaithiyalingam Road,
Vel Nagar, Old Pallavaram,
Chennai 600 017.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the first respondent's proceedings dated 16.11.2015 in CBSC/RO(M)/CORPN/REJN/4542/ 2015 and to quash the same and further direct the 1st respondent to carry out necessary correction in the Mark Statement issued by the first respondent bearing Roll No.4107023 dated 27.05.2008 regarding the name of father and mother of the petitioner as "PUSHPALATHA.R." and RAJASEKARAN.R respectively instead of "LAKSHMI.R and RAMAKRISHNAN.P respectively.[Prayer amended as per order dated 29.06.2017 in W.M.P.No.17554 of 2007 in W.P.No.25667 of 2016]

For Petitioner : Mr.K.Gajendiran

For Respondent 1 : Mr.G.Nagarajan

For Respondent-2 : Sd-No Appearance

O R D E R

The petitioner has filed this Writ Petition for issuance of a writ of certiorarified mandamus calling for the records relating to the order passed by the first respondent in proceedings CBSC/RO(M)/CORPN/REJN/4542/ 2015 dated 16.11.2015 and quash the same and for direction to correct the parents' name of the petitioner as "PUSHPALATHA.R." and RAJASEKARAN.R in the mark statement of the petitioner in Roll No.4107023 dated 27.05.2008.

2. It is the case of the petitioner that she was born to R.Rajasekaran and R.Pushpalatha. The petitioner's mother died on 26.08.1993. After her death, due to difference of opinion between the petitioner's father and grand-father, the grandfather, namely, Ramakrishnan and grandmother, namely, Lakshmi were taking care of her and they had admitted her in the second respondent-School. It is stated that the petitioner appeared for Secondary School Examination in the year 2008 and she has passed the said examination. When the mark sheet was issued to the petitioner, it is found that the petitioner's parents name was wrongly mentioned as Ramakrishnan and Lakshmi, being the grand-parents, instead of R.Pushpalatha and R.Rajasekaran, being the parents of the petitioner. Immediately, the petitioner approached the second respondent for correction of the parents' name and the second respondent sent a letter dated 28.09.2015 to the first respondent intimating the mistake crept in, in the Mark Statement and to carry out necessary corrections, for which, the first respondent sent a reply dated 16.11.2015 to the second respondent stating that such correction in the mark sheet will be considered only within one year from the date of declaration of results and the said request was rejected. Challenging the same, the Writ Petition is now filed.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

4. A perusal of the records shows that the parents are only R.Pushpalatha and R.Rajasekaran and the same is also admitted. The learned counsel for the petitioner pointed out that the names of the parents are found in the birth certificate correctly, but whereas, in the 10th standard mark statement, the names of her grandfather and grandmother had been indicated. The petitioner is only seeking to correct her parents' name in the 10th Standard mark sheet, for which nobody can have any dispute. Admittedly, it is only a mistake that has crept in, in the mark sheet which may be corrected by the first respondent.

5. In such view of this matter, the rejection by the first respondent as belated does not arise for consideration and the petitioner is only seeking to correct the name of her parents as per the school records. Hence, the impugned order passed by the first respondent is set aside and the Writ Petition is allowed. Accordingly, a direction is issued to the respondents to correct the name of the parents in the 10th standard mark sheet, dated 27.05.2008 issued to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to surrender the original 10th standard certificate for necessary correction. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Controller of Examinations,
Central Board of Secondary Education,
New No.3 (Old No.1630-A) J Block,
16th Main Road, Anna Nagar West,
Chennai-40.
2. The Principal,
Vel's Vidyashram,
P.V.Vaithiyalingam Road,
Vel Nagar, Old Pallavaram,
Chennai 600 017.

+1cc to Mr.K.Gajendiran, Advocate, S.R.No.45246
+1cc to Mr.G.Nagarajan, Advocate, S.R.No.45565

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W.P. No.25667 of 2016
and
W.M.P.No.17554 of 2017

SSI (CO)
CA(04/08/2017)