

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.43395 of 2016

Mr.Gannamaneedi Niteesh Rayudu
S/o.Gannamaneedi Subrahmanyaswara Rao

.. Petitioner

-vs.-

1. Union of India, rep by
The Assistant Secretary
Central Board of Secondary Education
Regional Office at
New No.3, (Old No.1630-A) 'J' Block
16th Main Road
Anna Nagar West
Chennai - 600 040.
2. The Controller of Examination
Central Board of Secondary Education
"Shiksha Kendra"
No.2, Community Centre
Preet Vihar
New Delhi - 110 092.
3. The Principal
Maharishi School of Excellence
PTC Colony
Pallavan Nagar
Thiruverkadu
Chennai - 600 077.

.. Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, praying this Court for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 1st respondent in his order dated 17.08.2016 passed in STSMCBSE/RO(M)/CORRN/REJN/CN/8927/2015 and quash the same and consequently directing the 1st respondent to issue a fresh corrected Grade Sheet cum Certificate of Performance of the petitioner by incorporating the petitioner's

name as "GANNAMANEEDI NITEESH RAYUDU" instead of "NITEESH RAYADU" and the petitioner father's name is as "GANNA MANEEDI SUBRAHMANYESWARA RAO" instead of "SUBRAHMANYESWARA RAO" and the petitioner's mother's name as "GANNA MANEEDI SURYAKUMARI" instead of SURIYAKUMARI and also direct the 3rd respondent to issue a fresh corrected Transfer Certificate by incorporating the above corrections as stated in the Birth Certificate issued by the Government of Andhra Pradesh.

For Petitioner : Mr.M.Marudhachalam
for Mrs, K. Bhuvana

For Respondents: Mr.G.Nagarajan, for R1 & R2

ORDER

The petitioner has come up with the present writ petition challenging the order of the first respondent dated 17.08.2016 by which the petitioner's request for correction of his name in the Grade Sheet cum Certificate of Performance was rejected as time lapsed and consequently, to direct the 1st respondent to issue a fresh corrected Grade Sheet cum Certificate of Performance of the petitioner by incorporating the petitioner's name as "GANNAMANEEDI NITEESH RAYUDU" and also direct the 3rd respondent to issue a fresh corrected Transfer Certificate.

2.The learned counsel appearing for the petitioner would submit that the petitioner's name is Gannamaneedi Niteesh Rayudu and he was born on 23.10.1998 at Andhra Pradesh. The petitioner was studying in TIMPANY Steel City School, Visakhapatnam and the said school had issued transfer certificate giving the name as "Gunnamanidi Niteesh Rayudu". The said certificate was submitted to the third respondent school at the time of admission in the 8th standard and the petitioner had finished his 10th standard during the academic year 2013-14. However, in the Grade Sheet cum Certificate of Performance issued by the first respondent and the Transfer certificate issued by the third respondent school, the name of the petitioner reflected as "Niteesh Rayudu" instead of "GANNAMANEEDI NITEESH RAYUDU". After noting the discrepancy in the Grade Sheet cum Certificate of Performance, the petitioner applied to the third respondent school for rectification of the said mistake found in the Grade Sheet cum Certificate of Performance and the Transfer certificate. The third respondent in turn forwarded the said request to the first respondent on 04.05.2016. However, the said request made by the petitioner came to be rejected as time lapsed.

3.Heard the learned counsel appearing for the petitioner and Mr.Nagarajan, learned standing counsel appearing for the respondents 1 and 2. Though the third respondent was served and

the name is reflected in the cause list, no one represented on behalf of the third respondent.

4.It is seen from the records, especially the Transfer Certificate issued by TIMPANY Steel City School, Visakhapatnam where the petitioner studied upto 7th standard that the name of the petitioner is "Gunnamanidi Niteesh Rayudu". However, in the Grade Sheet cum Certificate of Performance issued by the first respondent and the Transfer certificate issued by the third respondent school, the name of the petitioner reflected as "Niteesh Rayudu" and the surname of the petitioner 'Gannamaneedi' had been omitted. Thus, when the school in which the petitioner had studied upto 7th standard had issued the Transfer Certificate by incorporating the ''surname'' and only when the third respondent school had deleted the surname by mistake and forwarded the same to the first and second respondent by denoting the name of the petitioner as "Niteesh Rayudu" which had also reflected in the Grade Sheet cum Certificate of Performance issued by the first respondent, for the mistake committed by the third respondent, the petitioner cannot be put to suffer.

5.Further, in similar circumstances, this Court in W.P.No.8876/2010 by an order dated 26.07.2011 had directed the respondent to correct the name of the petitioner therein as per the Transfer Certificate issued by the previous school where the petitioner therein studied. Paragraph 4 of the said order is usefully extracted hereunder:

"4.It is seen that in the Transfer Certificate, issued by Kendriya Vidyalaya ONGC Agartala dated 08.05.1992, the petitioner's name was correctly mentioned as "Gogineni Srikanth". However, the certificate, issued by the second respondent shows the petitioner's name a "Goginori Srikanth". The petitioner applied for correction of his surname in the certificate, issued by the second respondent. Thereafter, the letter was forwarded by the second respondent School on 21.11.2009 to the first respondent and it clearly shows that by clerical mistake the petitioner's name was entered as "Goginori Srikanth" instead of "Gogineri Srikanth". Though it is contended by the first respondent that the correction has to be made within 10 (ten) years a per clause 69.1 of CBSE Examination By-law, the same cannot be pressed into service to reject the petitioner's plea for restoration his original surname. As stated above, the Original Transfer Certificate issued by Kendriya Vidyalaya ONGC at Agartala correctly reflects the petitioner's name as "Gogineni Srikanth" and second respondent only committed the mistake. In the certificate, the petitioner is not requesting for any addition.

Similarly, the first respondent is not going to be prejudiced. It is only correction by restoring his original surname of the petitioner and not the corrections of date of birth."

6. In the instant case, the correct name of the petitioner is also fortified by the Birth Certificate dated 21.03.2016 issued by Health Medical & Family Welfare Department, Rayakuduru, Veeravasaram Mandal, West Godavari District.

7. In view of the above stated position, the impugned order suffers and the same is hereby quashed with a direction to the first respondent to incorporate the surname name of the petitioner and his parents "as was stated in the Birth Certificate" issued by the Government of Andhra Pradesh and issue a fresh Grade Sheet cum Certificate of Performance to the petitioner. Based on the certificate to be issued by the first respondent, the third respondent School is directed to issue a fresh Transfer Certificate. Further, the petitioner is directed to return the original Grade Sheet cum Certificate of Performance already issued to him by the first respondent and the petitioner is also directed to pay the necessary fees for the same. The entire exercise has to be carried out by the first respondent within a period of four weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of with the above directions. No costs.

-s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

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To

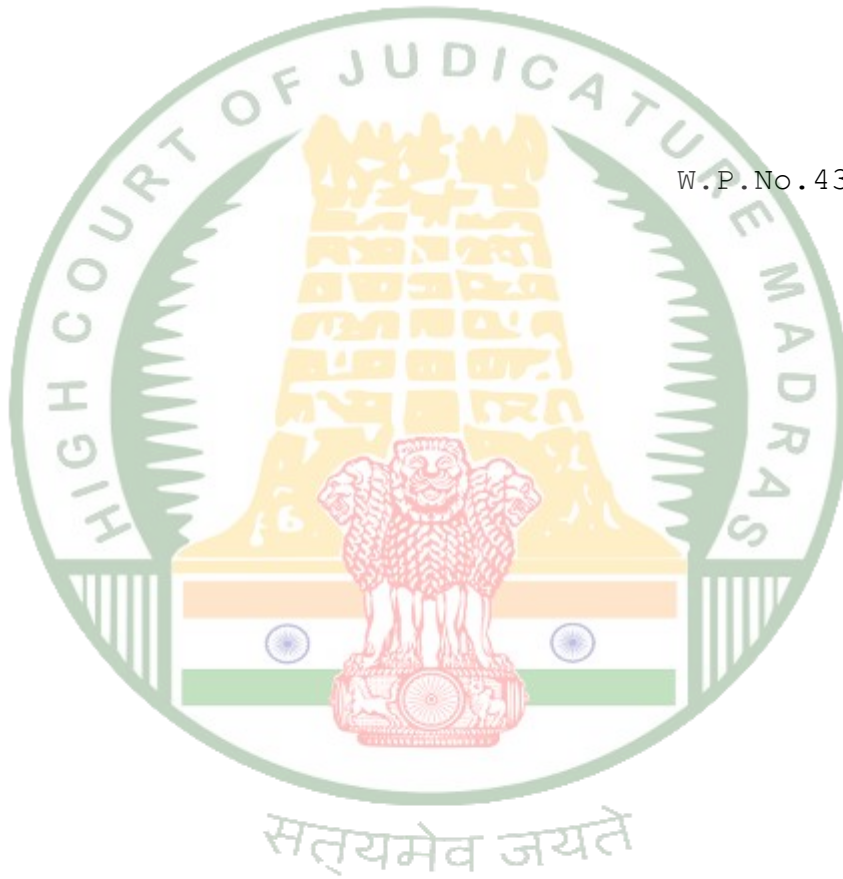
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+1 CC to M/s. K. Bhuvana, Advocate sr 17861

NR II (CO)
sp/6/4

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