

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED 06.03.2017

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THE HONOURABLE MR. JUSTICE **N. KIRUBAKARAN**

W.P. No.3425 of 2017

K.Parameswari

.. Petitioner

versus

1. Director of School Education,
DPI Campus, College Road,
Chennai-6.

2.The Head Master,
Panchayat Union Primary School,
Kappur & P.O., Koliyanur Union,
Villupuram.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to consider the representation dated 27.01.2017 to issue the Transfer Certificate with the name of the petitioner corrected at the earliest.

For petitioner : Ms.R.Rayeesa Fathima for
Mr.S.Madhar Khan

For respondents : Mr.A.Rajaperumal,
Additional Government Pleader

ORDER

The petitioner has approached this Court seeking a writ of mandamus against the first Respondent to consider the representation

dated 27.01.2017 to issue Transfer Certificate with the name of the petitioner corrected as K.Parameswari instead of K.Sathyavathi.

2. According to the petitioner, she has studied in the second respondent School from Class I upto Class VIII. At the time of admission, she contends that her name was wrongly given by her parents as K.Sathyavathi, which is her name called in her house, whereas her name is K.Parameswari. The name K.Parameswari has been reflected in official records such as Aadhar Card, Family Card and Voter ID. Since there are two different names, there is a confusion and therefore to rectify the mistake in her name, the petitioner has given a representation on 25.08.2015 to correct her name as K.Parameswari instead of K.Sathyavathi in her transfer certificate issued by the second respondent. Writ Petition No.30159/2015 filed by the petitioner was disposed by this Court on 25.09.2015 with a direction to consider and pass orders on the petitioner's representation. Thereafter, Contempt Petition Nos.82/2016 and 1993/2016 were also filed and they were also disposed. Nothing has been done by the respondents. Therefore, the petitioner sent a representation to the first respondent as well as to the second respondent on 01.12.2016 to change her name and followed by another representation dated 27.01.2017. Since the

representations have not been considered, the petitioner has come before this Court.

3.Heard the learned counsel for the petitioner and perused the records very carefully.

4.Learned counsel for the petitioner would submit that the petitioner's name is K.Parameswari and it was wrongly stated as K.Sathyavathi in her school records due to wrong information given by her parents.

5.It is a fact that the petitioner was born without name and her parents would have named her. When she was admitted in the school, she would have been hardly 5 years and she might not have known what was her name. Now she is finding fault with the parents, who are responsible for her birth in the World and who alone took the pain of naming her. This kind of uncharitable remarks against the parents have to be deprecated and condemned. The records especially the Transfer Certificate issued by the second respondent would reveal that her name is K.Sathyavathi, her date of birth is 15.03.1980, her religion and community as Hindu, Vanniar and Father's name is Kaliyamoorthy. She also signed her signature as K.Sathyavathi. When

she herself had put her signature as K.Sathyavathi, it is not open to her to contend that her name is K.Parameswari and her name had been wrongly given as K.Sathyavathi. After a lapse of about 20 years, the petitioner has come before this Court, earlier in 2015 and now to change the name and that itself throw a suspicion on the petitioner. There is a genuine doubt as to whether the petitioner is trying to make use of one Sathyavathi's certificate and try to misuse the same.

6.The reflection of petitioner's name as K.Parameswari in Family Card, in Aadhar Card and Voter ID cannot be a ground to change the name in the School Certificate, which has been issued in the year 1995, as the names given in Aadhar Card, Family Card and Voter ID are based on the information given by the petitioner subsequently. Therefore, these documents cannot prove the petitioner's name as Parameswari.

7.It is very clear from the records that as per the Transfer Certificate dated 20.02.1995, the person named in the certificate is K.Sathyavathi. This Court is unable to know whether that Sathyavathi is petitioner or not. In the absence of any connected material between the petitioner and Sathyavathi, the relief sought for by the petitioner even for issuance of Writ of Mandamus for

considering her representation cannot be entertained.

8.If this kind of Writ Petitions are to be allowed by this Court, definitely it will enable the parties to change their names and even fabricate the records by changing their names to suit their convenience. Writ of Mandamus, that too after 20 years cannot be granted. No legal right is available to maintain the Writ Petition for changing her name in the school records without any material details.

9.Representation was given on 27.01.2017 and it seems, the representation was served upon by the respondent on 28.01.2017, whereas the Writ Petition was filed on 22.12.2016 itself even before sending the representation. Therefore, it is very clear that the filing of Writ Petition itself is a misuse or abuse of process of law. It is not understandable as to how the Writ Petition could have been filed on 22.12.2016, when the representation itself was given subsequently on 27.01.2017. Therefore, the Writ Petition is liable to be rejected in limine and accordingly rejected. No costs.

06.03.2017

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N. KIRUBAKARAN,J.

vga

To

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