

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.28167 of 2018
and W.M.P.No.32823 of 2018

S.Vijay

.. Petitioner

Versus

1. The Director of Technical Education,
Board of Technical Education,
Chennai - 25.

2. The Chairman,
Board of Examinations (Tamilnadu),
Department of Technical Education,
Chennai-25

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records of the first respondent in proceedings Lr.No.103101/M3/2016 dated 25.05.2016 quash the same consequently direct the respondents to issue provisional certificate and other certificates mentioned with petitioner's new name Vijay.

For Petitioner : Mr.S.N.Subramani

For Respondents : Mr.V.Kadhirvelu

Special Government Pleader

O R D E R

The change of name of the petitioner, which was refused by the respondent, is under challenge in this Writ Petition.

2. Originally, the petitioner was called as Anthonisami and later, he changed his name into Vijay and published the same in the Government Gazette on 16.02.2011. Based on the change of name, the petitioner has also obtained his Voter Identity Card, Family Card, Community Certificate etc. In all those Cards and Certificates issued by the authorities, the petitioner's name is shown only as Vijay, S/o.Subramani. The petitioner joined the Diploma in Polytechnic Course in the Government Polytechnic

during the year 2011 and had to discontinue the same, due to family problems. In the Transfer Certificate issued by the Government Polytechnic, the petitioner's name is only mentioned as Vijay. Thereafter, the petitioner joined Mechanical Engineering Course in Surabi College of Polytechnic at Namakkal during the year 2013. After completion of the said Course, the said Surabi College of Polytechnic issued the Transfer Certificate in the name of the petitioner as Vijay. However, to shock and surprise of the petitioner, in the provisional certificate and mark sheets issued by the second respondent during 2012, his earlier name Anthonisami was printed instead of new name Vijay. Though a representation was submitted to the respondents as early as on 14.02.2016, it was not considered and there was a Writ of Mandamus in W.P.No.14391 of 2016 seeking a direction for disposal of the said representation. But, the respondents had passed the impugned order, vide letter No.103101/M3/2016, rejecting the claim of the petitioner. The said order is now under challenge in this Writ Petition.

3. Heard Mr.S.N.Subramani, learned counsel for the petitioner and Mr.V.Kadhirvelu, learned Special Government Pleader appearing for the respondents.

4. The learned Special Government Pleader appearing for the respondents submitted that certificates are issued only based on the Higher Secondary School certificates and in the Higher Secondary School Certificates of the petitioner, his name was mentioned as Anthonisamy and the same is reflected in the provisional certificate and mark sheets issued by the second respondent. But it is not understandable as to how the second respondent could issue the certificates in the name of Anthonisamy, when during admission in the College from where he passed out, his name was shown as only Vijay. It is also contended that Rule 3.13 of the Rules and Regulations of the Government of Tamil Nadu, Department of Technical Education relating to Diploma/Post Diploma Courses, Board of Studies and Examinations Hand Book says that the name of the candidate spelling and initials and the date of birth will be printed in the mark sheets as in the 10th standard mark sheet only and no correction will be made in the certificates based on Gazette Notifications, for change of names, initials, date of birth etc. But the Transfer Certificate and other certificates presented at the time of admission itself was given only in the name of Vijay and the first respondent admitted the petitioner in the College only in the name of Vijay. Therefore, they cannot go back to say that the certificates were issued only based on the 10th standard and 12th standard.

5. In view of the above findings, the impugned order dated 25.05.2016 is set aside. As it is only the name of the

petitioner, which has been subsequently changed and the student also had undergone the studies only in the changed name, i.e. Vijay, the respondents are directed to correct his name in the provisional certificate and other certificates by mentioning the name of the petitioner as Vijay and issue the certificates afresh, within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Director of Technical Education,
Board of Technical Education,
Chennai - 25.
2. The Chairman,
Board of Examinations (Tamilnadu),
Department of Technical Education,
Chennai-25

+lcc to Mr.S.N.Subramani, Advocate sr.32220

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nr 18/06/2019

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