

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.6692 OF 2019

ORDER:

This writ petition is filed being aggrieved by the proceedings of the 2nd respondent in Rc.No.240/UMC-I/2017, dated 30-04-2018 and Rc.No.141/UMC-1/2018, dated 11-02-2019 in rejecting the request of the petitioner for correction of name of his father in the SSC Marks Memo and returning the certificates produced by him.

It is the case of petitioner that parents of the petitioner are Mr.M.Ilangovan and C.Janaki Lakshmi and his date of birth is 25-05-1999. Since, the petitioner lost his father during his childhood and his mother being Bank Officer, was posted at various places, the petitioner was got admitted into the School by his maternal uncle by name Mr.V.S.Rao. He was admitted into I Class at Dr.K.Ramesh Babu Memorial School of Anahdra Education Society, New Delhi during the year 2004. He was admitted into II Class at Tagore Internal School, New Delhi and studied there upto 8th standard in the said school. Thereafter, the petitioner was admitted at Sri Chaitanya High School, Vivekananda Nagar Colony, Kukatpally for the IX class. In all the admission forms of the petitioner, name of the father of the petitioner was shown as M.Ilangovan. It is also stated that while admitting the petitioner in Sri Chaitanya High School, Vivekananda Nagar Colony, Kukatpally the details were shown in the admission form are that of his parents and also the name of Guardian as Mr.V.S.Rao. While forwarding the

details to the authorities, the said school had wrongly shown the name of father of the petitioner as Mr.V.S.Rao. The petitioner studied SSC and passed the same and on receiving marks memo, he found that the name of his father is shown as Mr.V.S.Rao instead of M.Ilangovan. On that the petitioner applied for correction of his father's name in SSC marks memo along with all required documents. The said application has been processed by the authorities and correspondence was made in between them and finally, the said request came to be rejected by the 2nd respondent by proceedings dated 30-04-2018 stating that the 3rd respondent has not sent required certificates i.e. Admission Register of Andhra Education Society, New Delhi and Tagore International School, New Delhi and Sri Chaitanya High School, Hyderabad along with proposal for correction of name of father of petitioner and returned the same. It is also stated that on coming to know of the same, the petitioner obtained attested copies of Admission Register from the Andhra Education Society, Tagore International school, New Delhi and Sri Chaitanya High School, Hyderabad and submitted the same before the Mandal Education Officer (M.E.O.), Balanagar Mandal, Medchal District for attestation and for onward submission since the request was rejected only on the ground of non-enclosing of admission registers. The said documents were submitted to the 3rd respondent duly attesting them and in turn the 3rd respondent by its letter bearing Rc.No.527/B3/A5/2016, dated 30-01-2019 resubmitted the same to the 2nd respondent

requesting to examine the proposals and issue necessary orders in the matter. While resubmitting the proposals, the 3rd respondent has stated that the mistake has been committed by the management of school, while entering the details in SSC Nominal Rolls. The 2nd respondent by its order dated 11-02-2019 rejected the request of the petitioner stating that the earlier order dated 30-04-2018 holdsgood and further stated that it is not a clerical mistake made in the school and since it is a parental mistake, it cannot be considered as per the orders issued in G.O.Ms.No.1263, dated 06-05-1961. The 2nd respondent has gone to the extent of instructing the 3rd respondent not to send the rejected proposals again and again and if he does so, disciplinary action would be initiated under CCA Rules. Aggrieved by the same, the present writ petition is filed.

Counter affidavit filed by respondents stating that in the application for admission given to Andhra Education Society there was no mention about father's name of the petitioner. But the application was submitted by Sri V.S.Rao as parent/guardian on 08-07-2004. It is also stated that in the transfer certificate issued by Tagore Internal School, New Delhi vide TC.No.2214, dated 17-07-2012 in place of father's name of the petitioner, it was mentioned as Dr.V.S.Rao (Guardian). In the transfer certificate issued by Sri Chaitanya High School, Sri V.S.Rao, has been shown as father/guardian. In the SSC certificate, the father name of the petitioner was mentioned as V.S.Rao and mother's name as

Chintala Janaki Laxmi. As per G.O.Ms.No.1263, Edn., dated 06-05-1961 read with G.O.Ms.No.430, Education, dated 31-12-1992, the Director of School Education is empowered to entertain and affect correction or alteration in respect of applications for correction or alteration of the date of birth in completed SSLC/HSC/H.S(M)C/SSC. However, no application for such correction/alteration of date of birth in the said completed certificates shall be entertained after a period of three years from the date of completion of said course. But in the instant case, the petitioner has requested for change of father's name as M.Ilangovan instead of Dr.V.S.Rao in the completed SSC certificate.

In pursuance of orders at Section C of G.O.Ms.No.1263, Edn., dated 06-05-1961, the petitioner can notify at his/her own cost any such change of name of father in Telangana Gazette and shall keep a copy of certificate and no correction need be made in the certificate or school records as a result of notification as per Rule 2 mentioned in Section C of said G.O. It is also stated that application form filed at page (10) of material papers, it has been manipulated as M.Ilangovan and filed before this Court as if his father's name has shown correctly. As per the admission application into Sri Chaitanya Techo School and in transfer certificate as well as in OMR sheet, it is clearly mentioned petitioner's father name as Dr.V.S.Rao. Therefore, the petitioner cannot blame the authorities. If petitioner wants to change his father name as Ilangovan, he has to publish the same in the Gazette.

Heard learned counsel for the petitioner, who, submits that application of the petitioner for correction of his father name is rejected only by relying on Clause-1 of Section C of G.O.Ms.No.1263, Edn., dated 06-05-1961 stating that only absurd entries or clerical mistakes committed in the school or Education Department can be corrected. He also submits that the petitioner is not asking for change of his father's name in the records but for correction of the same. He also submits that the District Educational Officer (D.E.O.) ordered M.E.O. to approach the concerned school, conduct enquiry and submit report. Basing on the enquiry conducted, the D.E.O. submitted a report to the 2nd respondent. But the 2nd respondent without considering certain documents, threatened the 3rd respondent that disciplinary proceedings would be initiated against him for sending proposals afresh. He also submits that entering guardian's name as father's name is nothing but absurd, as such it falls under Clause 1 of Section C of G.O.Ms.No.1263. He also submits that application for correction is made within three years. Regarding the stand of the respondents in respect of limitation, it applies to the aspect of correction of date of birth only. Still the application of the petitioner is within time, as report of M.E.O. is within three years from the date of passing of S.S.C.

On the other hand, learned Assistant Government Pleader for Education has vehemently opposed the writ petition stating that there is no fault of the officers or the school and entries are not absurd and the petitioner also pursued further

education with the same father's name. If at all the petitioner is aggrieved, he can follow procedure under Clause 2 of Section C of G.O.Ms.No.1263 by publishing in the gazette, as such rejection of application of the petitioner cannot be faulted. She also submits that except in II standard, in other school certificates, the father of petitioner's name mentioned as V.S.Rao.

In this case, it is to be seen that in pursuance to the orders of the 3rd respondent, the M.E.O. visited Chaitanya High School, where petitioner studied S.S.C. and submitted report as under:

- “ 1. The student Sree Yeshwant Sai Venkatesh admitted in Sri Chaitanya School by submitting the TC which contains guardian name as Dr.V.S.Rao in place of father name.
2. The school authorities while sending nominal rolls entered guardian name in place of fathers name accordingly the SSC Marks Memo issued with guardian name in place of father name.
3. Now the parent is realized and want his name i.e. M.ILANGOVAN in place of father name which was printed as Dr.V.S.Rao.
4. The School authorities corrected the fathers name in their admission register after the certificate was printed and issued.
5. The Mistake made by the Sri Chaitanya School while sending Nominal Roll with incorrect name. ”

Basing on the same, the 3rd respondent addressed letter dated 23-12-2017 to the 2nd respondent enclosing relevant documents which were referred to by the M.E.O. But the 2nd

respondent has rejected the application of the petitioner on 30-04-2018 on the ground that the proposal has been sent without enclosing the copies of following documents:

1. Andhra Education Society, Dr.K.Ramesh babu Memorial School, New Delhi copy of Admission Form and Record sheet.
2. Tagore International School New Delhi Admission Register for class 2nd to 8th class.
3. Sri Chaitanya High School Vivekananda Nagar Colony Kukatpally Balanagar (M) Medchal District Admission Register.

Later, the 3rd respondent vide proceedings in Rc.No.527/B3/2017, dated 12-11-2018 once again submitted said documents while submitting the same addressed a letter to the 2nd respondent for necessary action. The 2nd respondent vide proceedings dated 11-02-2019 while threatening the 3rd respondent with disciplinary action once again held that his proceedings dated 30-04-2018 holdsgood, which is challenged in the present writ petition.

In this case it is to be seen that the certificate issued by Sri Chaitanya High School, filed at Page 22 of material papers of writ petition, also clearly says that name of petitioner's father was wrongly mentioned as V.S.Rao and even Admission Register filed by the petitioner at Page 20 of the material papers guardian's name as V.S.Rao and petitioner father's name as M.Ilangovan. The admission form in Tagore International School, filed at 18 of material papers, where petitioner studied II standard to VIII standard also shows that name of petitioner's father as Sri Ilangovan and the certificate

of date of birth issued by Panchayat Secretary, Gosala, Penamaluru Mandal, Krishna District also shows that petitioner's father name as M.Ilangovan.

Rejection is only on the ground that it does not fit into Clause 1 of Section C of G.O.Ms.No.1263 and the counter affidavit also says that it is also barred by limitation, which only applies for correction of date birth and even otherwise on the application of the petitioner action is initiated within a period of three years. Even in the admission form of Tagore International School, it goes to show that name of petitioner's father is shown as Ilongavan and relationship of V.S.Rao as maternal uncle. But the document filed at page No.10 along with counter affidavit shows that name of father of petitioner is mentioned as V.S.Rao, but said document is not filed in full. The admission application of Andhra Education Society, New Delhi filed along with counter affidavit at Page No.21 also shows that name of father of petitioner as Ilangovan and relationship of Dr.V.S.Rao with petitioner as maternal uncle. The respondent-authorities filed certificate of date of birth, which also tallies with birth certificate produced by the petitioner.

In view of above facts and circumstances of the case, this Court is of the opinion that entries made in S.S.C. certificate are nothing but absurd entry and as such, petitioner is entitled for relief under G.O.Ms.No.1263, dated 06-05-1961. There is no doubt, mistake is not on the part of Education Department, but school authorities committed mistake and

documentary evidence filed goes to show that there is error in entry of name of petitioner's father and action is initiated on the application of petitioner within reasonable time. Clause 2 of Section C of G.O.Ms.No.1263 has no application to the facts of the case as contended by Government Pleader as petitioner is not seeking change of name of petitioner's father but only correction of name.

In view of the same, the impugned order is set aside. The respondents are directed to correct the father name of petitioner in his S.S.C. certificate within a period four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

23-07-2019
Nvl



