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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.16180 of 2021

Madhu

..Petitioner

.Vs.

1.The Secretary,
The Department of School Education,
Fort.St.George,
Secretariat,
Chennai 600 009.

2.The Director,
The Department of School Education,
DPI Campus,
College Road,
Chennai 600 006.

3.The District Collector,
The District Collector Office,
Kellys Road, Navalpur,
Ranipet District 632 401.

4.The Municipality Commissioner,
Walajapet Municipality,
Navabdevadiveethi,
Walajapet,
Vellore District-632 513.

5.The Head Master,
Cantonment Board High School,
St.Thomas Mount,
Chennai 600 089.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 22.07.2021 and further direct the 5th respondent to issue a fresh Transfer Certificate by correcting the Father's name as "DURAI" instead of wrongly mentioned as 'DURAIRAJ.S' in the Transfer Certificate dated 12.06.2014 issued by the 5th respondent herein.



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For Petitioner : Mr.S.Silambu Selvan

For Respondents : Mr.A.Selvendran
Government Advocate
for R 1 to R 3

Mr.U.Baranidharan
Government Advocate for R 4

Mr.C.Mohan
for M/s.King & Partridge
for R 5

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus directing the 5th respondent to issue fresh transfer certificate by correcting the name of the father of the petitioner as 'Durai' instead of Durairaj.D as found in the transfer certificate issued by the 5th respondent on 12.06.2014.

2.The case of the petitioner is that his father's name is Durai and he was working as a sanitary worker in the department of the Public Health at Walajapet Municipality. To substantiate this claim, the service register of the father of the petitioner has been filed in the typed set of papers and it is found that his name is S.Durai. The further case of the petitioner is that while he was studying in the 5th respondent School, by oversight the name of the father was given as D.Durairaj. As a result of the same, at the time when the petitioner passed out from 5th respondent School in the year 2014 and cleared the 10th standard, a transfer certificate was given to the petitioner by showing the name of the father as D.Durairaj.

3.The petitioner probably did not notice this discrepancy in the name of the father till an occasion arose at a future point of time. The father of the petitioner died while he was in service on 25.06.2020, leaving behind the petitioner, his daughter and his wife. The same is reflected in the legal heirship certificate that was issued by the Tahsildar of Walajapet. The petitioner wanted to apply for compassionate appointment. It was at this point of time, the petitioner realised that there is a discrepancy in the name of his father in the transfer certificate issued by the 5th respondent School. Hence, the petitioner made a representation in this regard on 22.06.2021, to the 5th respondent School and since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.



4.The learned counsel for the petitioner submitted that the mistake with regard to the name of his father had taken steps since the name of his father was given as D.Durairaj at the time when the application was submitted before the 5th respondent School and while filling the declaration form. The learned counsel submitted that this was clearly a mistake that took place due to oversight. To substantiate the same, the learned counsel brought to the notice of this Court the birth certificate, community certificate, aadhar card and also the election card issued to the petitioner wherein, the father's name is mentioned as Durai. Therefore, the learned counsel submitted that there are overwhelming materials to show that the name has been wrongly mentioned in the transfer certificate issued by the 5th respondent school and hence necessary directions may be issued to the 5th respondent school to issue a fresh transfer certificate by giving the correct name of the father of the petitioner.

5.Per contra, the learned counsel appearing on behalf of the 5th respondent school submitted that the record sheet of the petitioner pertaining to the school where the petitioner had studied upto 5th standard shows that the name of the father of the petitioner is mentioned as D.Doraraj. The learned counsel further submitted that even at the time when the application was made to the 5th respondent school, the name of the father was mentioned as D.Durairaj. The learned counsel also brought to the notice of this court the age declaration form that was given by the father of the petitioner and even there, the father's name has been mentioned as D.Durairaj. The learned counsel therefore submitted that it is only based on these documents, the transfer certificate was issued by the 5th respondent by mentioning the father of the petitioner as D.Durairaj. The learned counsel for the 5th respondent also brought to the notice of this court Rule 5 of the Secondary School Leaving Certificate Rules and submitted that if at all there is mistake while mentioning the name of the father of the petitioner, such a correction should be done before the completion of the SSLC Examination.

6.In the considered view of this Court, this Court had on various occasions considered the scope of the Rule and depending upon the facts and circumstances of each case had issued appropriate directions for carrying out the correction if there are sufficient materials. One such order was passed in W.P.No.7060 of 2020 dt.19.03.2020, wherein, a very similar issue was considered by this Court. In that case, instead of mentioning the name of the father as G.Chandrasekar, it was wrongly entered as G.Raj in the School records. This court after considering all the other materials came to a conclusion that the name of the father has been wrongly mentioned due to



oversight.

7. In the present case, this court finds overwhelming materials to satisfy itself that the actual name of the father of the petitioner is only Durai and not D.Durairaj as mentioned in the transfer certificate issued by the 5th respondent school.

8. In view of the above discussion, there shall be a direction to the 5th respondent school, to issue a fresh transfer certificate by correcting the father's name at Sl.No.3 of the transfer certificate and mention his name as Durai instead of D.Durairaj. While making this correction, the 5th respondent school shall also make a mention of the writ petition number and the date of the order in the transfer certificate itself. The 5th respondent school shall also carryout the necessary corrections in the relevant records maintained by the school by changing the name of the father as Durai. Except this correction, all the other contents in the transfer certificate shall remain unchanged. This process shall be completed by the 5th respondent within a period of two weeks from the date of receipt of copy of this order.

9. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Secretary,
The Department of School Education,
Fort.St.George, Secretariat,
Chennai 600 009.
2. The Director,
The Department of School Education,
DPI Campus, College Road,
Chennai 600 006.
3. The District Collector,
The District Collector Office,
Kellys Road,
Navalpur,
Ranipet District 632 401.



4.The Municipality Commissioner,
Walajapet Municipality,
Navabdevadiveethi,
Walajapet,
Vellore District-632 513.

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5.The Head Master,
Cantonment Board High School,
St.Thomas Mount,
Chennai 600 089.

+1cc to Mr.S.Silambu Selvan, Advocate, S.R.No.42825

+1cc to Mr.King & Partridge, Advocate, S.R.No.42486

+1cc to the Government Pleader, S.R.No.42649

W.P.No.16180 of 2021

GPL (CO)
GN(17/09/2021)