



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. No.21737 of 2021

S.Sridhar

..Petitioner

-Vs-

1. The Director of School Education,
DPI Campus, Chennai - 600 006.
2. The District Education Officer,
Thiruvallur, Thiruvallur District.
3. The Headmaster,
Government Higher Secondary School,
Kadambathur, Thiruvallur District.
4. The Principal
Sir Theagaraja College (Evening)
Chennai - 600 021.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 4th respondent to issue the Transfer Certificate by carrying out the correction as per the Certificate issued by Respondent-3 dated 14.12.2020 and issue such corrected Transfer Certificate to the petitioner describing the correct Father's name of the petitioner as "M.Sadagopan" instead of "M.Saravanan".

For Petitioner : Mr.S.Senthilnathan

For Respondent : Mr.A.Selvendiran
Government Advocate for R1 to R3

O R D E R

This writ petition is a standing example of abuse of process of Court where the petitioner earlier approached this Court by filing W.P.No.14897 of 2021 and this Court found certain incriminating materials against the petitioner and concealment of facts in the affidavit filed in support of the writ petition and when this Court was about to deal with the case on merits and pass appropriate orders, the learned counsel who appeared



for the petitioner sought for the mercy of this Court and this Court summoned the petitioner to the Court and thereafter, to give a chance to the petitioner and not to participate the issue any further, this Court permitted the petitioner to withdraw the writ petition. However, the sympathy that was shown by this Court is now sought to be misused by the petitioner and therefore, this Court has to proceed to deal with this writ petition on merits.

2.The case of the petitioner is that he was born to one Sadagopan on 03.06.1994. The petitioner studied in the Government Higher Secondary School at Thiruvallur and completed his 10th Standard during April 2009. Thereafter, the petitioner joined higher secondary course before the 3rd respondent and completed the higher secondary. The further case of the petitioner is that when he was issued with the Transfer Certificate by the 3rd respondent, his father's name was wrongly mentioned as M.Saravanan instead of M.Sadagopan. The petitioner did not apply for any correction at that point of time.

3.Thereafter, the petitioner joined the 4th respondent College and the records continued to show the name of the father of the petitioner as M.Saravanan. The petitioner thereafter, completed the degree course in the 4th respondent College in the year 2014 and even in the Transfer Certificate that was issued by the 4th respondent, the name of the father of the petitioner was shown as M.Saravanan.

4.Much later, in the year 2020, the father of the petitioner died in harness and at that point of time, the petitioner who wanted to get the compassionate appointment realized that the name of his father is wrongly mentioned in the Transfer Certificate. Therefore, he applied for the correction of the same. Since the same was not acted upon, he approached this Court and filed W.P.No.14897 of 2021. For proper appreciation, the order passed by this Court on 27.08.2021 is extracted hereunder:

This writ petition has been filed for issue of writ of mandamus directing the respondents to correct the petitioner's father name as "Sadagopan" instead of "Saravanan" in the transfer certificate issued by the third respondent herein vide serial No.27/2010-2011.

2.Pursuant to the orders passed by this Court on 23.08.2021, the petitioner was present before this Court. The petitioner submitted an apology affidavit. The petitioner stated that he did not intentionally conceal the earlier writ petition filed before this Court in W.P.No.11050 of 2021 and he bonafide thought



that the withdrawal of that writ petition will not have any bearing in the present writ petition.

3. Even though, this Court is not convinced with the explanation given by the petitioner, considering the background of the petitioner, this Court wants to be more gracious in handling the situation. Therefore, this Court accepts the apology affidavit filed by the petitioner.

4. It is not necessary for this Court to go into any of the claims made by the writ petitioner, in view of the fact that the petitioner has approached this Court with unclean hands. When this Court expressed its mind to the learned counsel for the petitioner, the learned counsel for the petitioner on instructions given by his client, sought for the permission of this Court to withdraw this writ petition. The withdrawal endorsement shall be signed both by the petitioner and the learned counsel for the petitioner.

5. I had the occasion to hear the above writ petition. While hearing the writ petition, I also had the occasion to go through the entire files pertaining to the petitioner. I found that the petitioner had concealed the filing of the earlier writ petition in W.P.No.11050 of 2021 for the very same relief which was later withdrawn. That apart, I also found in the files that the petitioner had availed certain the waiver by showing the name of his father as M.Saravanan. In fact, there were documents which revealed that M.Saravanan had signed those documents in his capacity as the father of the petitioner. When such incriminating documents came to my knowledge, I summoned the petitioner and brought to his notice those documents and also regarding the concealment of the filing of the earlier writ petition. The petitioner gave certain explanation and I was not convinced with that explanation. However, considering the background of the petitioner and in order not to cause any inconvenience, this Court thought it fit to permit the petitioner to withdraw the writ petition and accordingly, the writ petition was dismissed as withdrawn.

6. While so, the petitioner has once again filed the present writ petition seeking for the very same relief. The learned counsel for the petitioner tried to explain this Court that the petitioner has not committed any mistake and due to the mistake in the Transfer Certificate, the petitioner will not be able to pursue with the application given for compassionate appointment.

7. In the considered view of this Court, the petitioner does not seem to be an innocent person. He seems to be a person who



can manipulate things and take advantage of the situation. The petitioner who was aware that his father's name was shown as M.Saravanan, when he was studying in the 4th respondent College, took advantage of the situation since, M.Saravanan belonged to a Backward Class community and on that basis the petitioner obtained fee waiver. This position continued till the petitioner completed his course in the 4th respondent College. Till then, consciously the petitioner did not change the name of his father. After he completed the course, in the year 2000, his father M.Sadagopan seems to have died in harness when he was working in the Southern Railway and at that point of time, the petitioner wanted to change the records to show M.Sadagopan as his father.

8.It is clear from the above that the petitioner will keep changing the name of his father to suit his convenience and to get certain benefits. Such an attitude can never be entertained by this Court. In fact when the earlier writ petition was dismissed by this Court on 27.08.2021, this Court did not grant any leave or liberty to the petitioner to once again approach this court, in spite of such a request being made by the learned counsel for the petitioner, who was appearing in that writ petition. Therefore, this writ petition is liable to be dismissed on the ground of res judicata. However, this Court went into the merits of the case since this Court wanted to expose the attitude of the petitioner. This Court does not find any bonafide on the part of the petitioner and there are absolutely no merits in the present writ petition.

9.Considering the fact that the petitioner has abused the process of Court and he has wasted the time of this Court repeatedly, this Court is inclined to dismiss this writ petition by imposing an exemplary cost and accordingly, this writ petition is dismissed by imposing cost of Rs.25,000/- payable by the petitioner to the credit of the President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157), within a period of four weeks from today.

10.Post this case under the caption 'For Reporting Compliance' on 08.11.2021.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ssr



To

1. The Director of School Education,
DPI Campus,
Chennai - 600 006.

2. The District Education Officer,
Thiruvallur,
Thiruvallur District.

3. The Headmaster,
Government Higher Secondary School,
Kadambathur,
Thiruvallur District.

Copy To

1. The President,
Tamilnadu Advocate Clerk Association,
High Court, Madras.

2. The Section Officer,
Writ Section,
High Court, Madras.

+1cc to Mr.Senthil Nathan, Advocate, S.R.No.52722

+1cc to the Government Pleader, S.R.No.53135

W.P. No.21737 of 2021

MG(CO)
RGA(20/10/2021)