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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM

The Hon'ble Mr. Justice PARESH UPADHYAY
and
The Hon'ble Mr. Justice SATHI KUMAR SUKUMARA KURUP

W.A.No.2804 of 2021
and
C.M.P.No.18440 of 2021

S.Sridhar
S/o.M.Sadagopan

.. Appellant/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.

..Respondent/Respondent

Appeal preferred under Clause 15 of Letters Patent against the order dated 07.10.2021 made in W.P.No.21737 of 2021.

Prayer in W.P.No.21737 of 2021:

Writ Petition filed Under Article 226 of the Constitution of India, to seeking a Writ of Mandamus directing the respondent 4 to issue the Transfer Certificate by carrying out the correction as per the 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 Fathers name of the petitioner as M. Sadagopan instead of M. Saravanan.

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For Appellant : Mr.S.Senthilnathan
For Respondents 1 to 3 : Mr.M.S.Arasakumar
Government Advocate

JUDGMENT
(Delivered by PARESH UPADHYAY, J.)

Challenge in this appeal is made to the order dated 07.10.2021 recorded on Writ Petition No.21737 of 2021. This Writ Appeal is filed by the original writ petitioner.

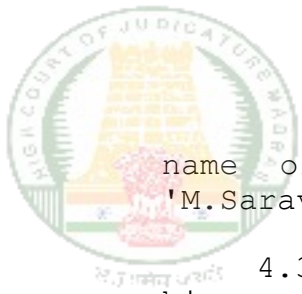
2. Learned advocate for the appellant has submitted that the impugned order has the effect of, the appellant loosing public employment on compassionate ground, since his father has died, while he was in service. Learned advocate for the appellant has taken this Court extensively through the facts on record and has submitted that the relief as prayed for in the Writ Petition be granted.

3. Learned Government Advocate for the respondents 1 to 3 / State authorities has vehemently opposed this appeal. It is submitted that the impugned order can not be said to be erroneous in any manner which rejected the writ petition. It is further submitted that the change in the name of the father of the writ petitioner could not have been entertained because by changing that name the appellant had availed certain benefit, coupled with the fact that the similar relief was sought for on earlier occasion and those writ petitioners were not entertained. It is submitted that the appellant is estopped from agitating that point again. It is submitted that this appeal be dismissed.

4. Having heard learned advocates for the respective parties and having considered the materials on record, this Court finds as under:-

4.1 It is not in dispute that the appellant is son of 'M.Sadagopan'. It is also not in dispute that the said name was registered in the transfer certificate issued by the Department of School Education of Government of Tamil Nadu a copy of which is on record(Serial No: 1521/09-10). The authenticity of that certificate is not in dispute.

4.2 On transfer of the School / Educational Institute, in the column of the name of father of the student (the appellant),



name of one 'M.Saravanan' is written. 'M.Sadagopan' and 'M.Saravanan' are / were brothers.

4.3 This change could be at the request of the appellant or his guardian, in the circumstances, which, according to us, should not dis-entitle the petitioner to get his employment, if otherwise he is entitled to. It is under these circumstances and in this background, this appeal is being considered by this Court.

4.4 The prayer of the appellant ultimately is that, the name of the appellant be shown as 'S.Sridhar' son of 'M.Sadagopan', which is factually right.

4.5 So far the contest put forward on behalf of the respondent authorities is concerned, it can not be said to be unjustified. So far the reason(s) recorded in the impugned order are concerned, it can also not be said to be erroneous. Still, the question is that a poor citizen is standing before this Court with further grievance that his father 'M.Sadagopan', who was in the service of Indian Railways has passed away on 03.05.2020 and the appellant being his son is eligible to apply for appointment on compassionate ground. But there is difference in the name of the father in two different certificates. It is under these circumstances, he is praying for some relief, grant of which may lead to consideration for his employment in place of his deceased father. If this relief is granted, it would be in his favour, at the same time it would not be against any of the respondents. It is this balance, which is weighing in favour of the appellant. Weighing the issue from this angle, we find that ends of justice would meet, if the relief as prayed for is granted. We also find that refusal to grant relief would not be in furtherance of justice, in any manner. This appeal therefore needs to be allowed.

5. For the reasons recorded above, the following order is passed:-

5.1 This writ appeal is allowed.

5.2 Relief as prayed for in the writ petition is granted.

5.3 The record of the schools shall be corrected by showing the name of the appellant as 'S.Sridhar' son of 'M.Sadagopan', instead of son of 'M.Saravanan'. Corrected certificate shall be issued.

5.4 It would also be open to the appellant to make representation to the authorities, where the employment is sought, pointing out this factual aspect, on the basis of this order.



6. This appeal is allowed in above terms. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

srm/11

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.

4.The Principal,
Sir Theagaraja College (Evening),
Chennai - 600 021.

+2 ccs to Mr.S.Senthilnathan, Advocate Sr.NO. 89329

+1 cc to Government Pleader Sr.NO. 69754

W.A.No.2804 of 2021

gj(CO)

A.SK(30.12.2021)