



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.272 of 2021

and W.M.P. (MD) .Nos.211, 213 & 214 of 2021

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K.Barida Beevi

...Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by its Secretary,
School Education Department,
Fort St. George,
Chennai.

2.The Teachers Recruitment Board,

Rep. by its Member Secretary,
DPI Campus,
Chennai.

3.The Director of School Education,

DPI Campus,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned ineligible list of Certificate verification published by the 2nd respondent vide his proceedings Nil dated 11.01.2020 (published in the official website of TRB) insofar as the petitioner is concerned and the consequential impugned proceedings No.NIL, dated 28.12.2020, issued by the 2nd respondent (published in the Official Website of the TRB) and quash the same as illegal insofar as it relates to the non inclusion of the petitioner's name is concerned and consequentially to direct the respondents to treat the petitioner as a candidate belonging to the Backward Class (Muslim) Community and consequently to appoint the petitioner as Computer Instructor taking into consideration of the marks secured by the petitioner within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mr.A.Thiyagarajan,
Government Advocate for R1 & R3

Mr.V.R.Shanmuga Nathan,
Standing Counsel for R2



O R D E R

Heard Mr.C.Venkatesh Kumar, learned counsel for the petitioner, Mr.A.Thiyagarajan, learned Government Advocate, for the respondents 1 and 3 and Mr.V.R.Shanmuga Nathan, learned Standing Counsel, for the second respondent.

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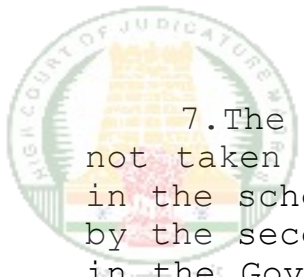
2.The petitioner herein had participated in the recruitment process for Computer Instructor Grade-I under Backward Class Muslim category. The petitioner herein had secured 79.83 marks in the written examination and subsequently, when she was called for certificate verification, her candidature was rejected on the ground that the petitioner's name mentioned in the SSLC Certificate namely 'K.Perinbavalli', does not match the petitioner's name, namely 'K.Barida Beevi'. Further objection was that the petitioner's father's name has been mentioned as 'S.Karuppasamy' in her SSLC and HSC certificates, which is contrary to his real name namely 'S.Kamal Mohaideen'.

3.The learned counsel for the petitioner would submit that the petitioner was originally named as 'K.Perinbavalli' and in view of the conversion of her family from Hinduism to Muslim, her name was changed to 'K.Barida Beevi' and her father's name 'S.Karuppasamy' was changed to 'S.Kamal Mohaideen'. The change of names were published in the Government of Tamil Nadu Gazette, dated 29.01.1997 also. Since the petitioner had produced a copy of the Government of Tamil Nadu Gazette to the second respondent Board, her candidature ought not to have been rejected.

4.The learned Standing Counsel for the second respondent would submit that the petitioner's candidature was not taken into account in view of the discrepancy in the petitioner's name and her father's name.

5.It is not in dispute that the petitioner herein had produced the copy of the Government of Tamil Nadu Gazette, dated 29.01.1997 to the second respondent, when she was called for certificate verification. It is also not in dispute that the petitioner herein is otherwise qualified to be appointed to the post of Computer Instructor Grade-I, except for the discrepancy alleged.

6.When a citizen of this country intends to have their names changed, the procedure prescribed for adopting the new name is by having the name published in Government Gazette. The petitioner herein and her father, had embraced Islam, prior to the year 1997 and therefore, they thought it fit to have their names changed. Accordingly, such change of names were properly published in Government Gazette, which becomes a conclusive proof of change of their names.



7.The counter affidavit seems to state that the petitioner has not taken steps to have her name and her father's name rectified in the school records. I am not in agreement with such stand taken by the second respondent. The very purpose of declaring new names in the Government Gazette is only to establish that the old names have to be rectified to the new names and the Government Gazette becomes the supporting documents to any other testimonials, which carries their old names. As such when the school testimonials carrying the petitioner's old name are used for verification, it should be accompanied with copy of the Government of Tamil Nadu Gazette carrying the old and new names of the petitioner as well as her father. The second respondent is bound to take cognizance of the change of her name and her father's name and thereafter proceed with the selection process. This procedure has not been followed by the second respondent. Consequently, the petitioner herein would be entitled for appointment, since no other ineligibility has been pointed out by the second respondent with regard to the petitioner's candidature.

8.In the light of the above observations, the impugned order of ineligibility list released by the second respondent dated 11.01.2020 insofar as the rejection of the petitioner's candidature is concerned, is quashed. Consequently, there shall be a direction to the second respondent to include the petitioner's name in the final selection list and forward the same to the third respondent herein. The third respondent in turn shall issue an appointment order, appointing the petitioner to the post of Computer Instructor Grade-I. The entire process of inclusion of petitioner's name in the final selection list, as well as issuance of the appointment order, shall be made atleast within a period of four weeks from the date of receipt of a copy of this order.

9.This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary, State of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai.

2.The Member Secretary,
Teachers Recruitment Board,
DPI Campus,
Chennai.

3.The Director of School Education,
DPI Campus,
Chennai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-4755[F] dated 12/02/2021)

+1 CC to SGP (SR-4928[F] dated 15/02/2021)

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