



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.07.2021**

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11243 of 2021

S.Vinod Rajan

... Petitioner

Vs.

1. The Director of School Education,
College Road, Nungambakkam,
Chennai-8.
2. The Member Secretary,
State Board of School Education,
High Secondary, College Road,
Nungambakkam, Chennai-8.
3. The District Educational Officer,
Virudhunagar District, Virudhunagar.
4. The Head Master,
Government Higher Secondary School,
Mettukondu-626 004,
Virudhunagar District.
5. The Tahsildar,
Virudhunagar District, Virudhunagar.
6. D.Rathinasamy

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the first respondent in O.Mu.No.004944/M/E3/2021, dated 06.02.2021 and quash the same and consequently direct the respondents 1 to 5 to change the name of the father in the documents relating to the petitioner.

For Petitioner

: Mr.R.Murali

For R-1 to R-5

: Mr.M.Lingadurai,
Government Advocate



ORDER

On consent given by either side, the main Writ Petition itself is taken up for final hearing.

2. This Writ Petition has been filed challenging the impugned refusal letter issued by the first respondent, dated 06.02.2021 and for a consequential direction to direct the respondents 1 to 5 to change the name of the father of the petitioner that is reflected in the records.

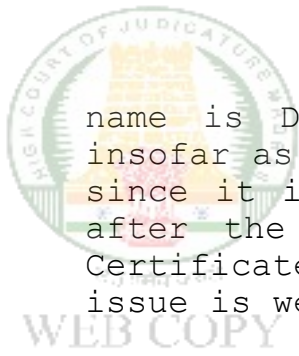
3. The petitioner is a nineteen year old boy, who has just completed his higher secondary examination in March 2020. The petitioner having become a major, understood that his mother had shown a wrong person as his father. According to the petitioner, his mother was married to one Salomanraj and out of the said wedlock, the petitioner was born.

4. There seems to be some misunderstanding between Salomanraj and the mother of the petitioner and she had gone out of the matrimonial home and started living with the sixth respondent. The mother of the petitioner had shown the sixth respondent to be the father of the petitioner and the petitioner had always believed the same. In all the school records, based on the information furnished by the mother of the petitioner, the sixth respondent has been shown as the father.

5. The petitioner immediately after coming to know that his real father was Salomanraj and not the sixth respondent, made a representation to the respondents on 07.01.2021 seeking for changing his father's name in the school records. The first respondent, through the impugned letter, dated 06.02.2021, rejected the request made by the petitioner on the ground that the mark statements and other certificates pertaining to the 10th and 12 standard cannot be rectified by changing the name of the father of the petitioner, since it was based on the school records. Therefore, the first respondent directed the petitioner to approach a Civil Court and get a declaration and thereafter, apply to the first respondent. Aggrieved by the same, the present Writ Petition has been filed before this Court seeking for appropriate directions.

6. Heard Mr.R.Murali, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government counsel appearing for the respondents 1 to 5.

7. It is a very peculiar case where a boy has approached this Court seeking for changing the name of his father in the school records and in his 10th and 12th standard mark statements and certificates. It is evident from the birth certificate that was issued by the Virudhunagar Municipality that the petitioner was born on 21.11.2002 and his father's name is Salomanraj and his mother's



name is Durga Devi. The best evidence that can be looked into insofar as the date of birth is concerned, is the birth certificate, since it is the earliest document that comes into play immediately after the birth of a person. The evidentiary value of a Birth Certificate is superior to any other document and the law on this issue is well settled.

8. As a child, the petitioner was always told that the sixth respondent is his father. Once the petitioner became a major, he realized the truth and found that it is Salomanraj, who is his real father.

9. It is stated in the affidavit that he expressed to his mother and the sixth respondent that he wants the name of the real father to be mentioned in all the school records and the certificates. It is also stated that his mother and the sixth respondent had no objections in the petitioner changing the name of the father in the relevant records.

10. The application submitted by the petitioner has been rejected by the first respondent mainly on the ground that such a correction cannot be carried out unless and until, the school records are changed and hence, the mark statements and certificates cannot be rectified by changing the name of the father.

11. In the considered view of this Court, the petitioner need not undergo the ordeal of approaching a Civil Court to get a declaration with regard to his real father and the birth certificate itself clinches the issue and there is no dispute with regard to the fact that it is only Salomanraj, who is the real father of the petitioner.

12. In view of the above discussion, this Court is inclined to interfere with the impugned refusal order issued by the first respondent on 06.02.2021 and the same is hereby quashed. There shall be a direction to the fourth respondent to rectify the name of the father of the petitioner as Salomanraj in all the records that are maintained in the School. This exercise shall be completed by the fourth respondent within a period of two weeks from the date of receipt of a copy of this order. The fourth respondent shall thereafter inform the first respondent with regard to the change of the name of the father of the petitioner. The first respondent, on receipt of the same, shall immediately change the name of the father of the petitioner in the mark statements and the certificates issued to the petitioner, when he completed his 10th and 12th standard. This exercise shall be completed by the first respondent within a period of six (6) weeks from the date on which the letter is issued by the fourth respondent.



13. The petitioner is directed to make a fresh representation to the first and fourth respondents along with all the relevant documents and also a copy of this order.

14. The Writ Petition stands allowed accordingly. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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 Director of School Education,
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5. The Tahsildar,
Virudhunagar District, Virudhunagar.

+1 CC to M/s.R.MURALI, Advocate (SR-21628[F] dated 08/07/2021)

+1 CC to M/s.SPL GP (SR-21725[F] dated 08/07/2021)

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