



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.13573 of 2021

Kathirvelu

... Petitioner

Vs.

1.The Accountant General,
Office of the Account General
(Accounts & Entitlements),
361, Anna Salai,
Chennai- 600018.

2.The Director of School Education,
O/o. The Director of School Education,
College Road,
Chennai- 600006.

3.The District Education Officer,
O/o. The District Education Office,
Batlagundu,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents particularly 3rd respondent to remove the name of Rosario Mary and incorporate the petitioner's wife Davamani's name in my service register consider petitioner representation dated 17.03.2021.

For Petitioner : Mr.Sivakumar.S

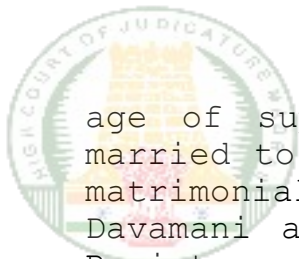
For Respondents : Mrs.Mahalakshmi,
Standing Counsel for R1.
Mr.A.K.Manickam,
Standing Counsel for State for R2 & R3.

ORDER

Mrs.Mahalakshmi, learned Standing Counsel takes notice on behalf of the first respondent. Mr.A.K.Manickam, learned Standing Counsel for State takes notice on behalf of respondents 2 and 3.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he was joined as Watchman at Kodaikonal Union School on 14.09.1973 and thereafter, promoted as Office Assistant. He was retired on 31.05.2010, on attaining the



age of superannuation. While he was working at Kodaikonal, he married to one Rosaria Marry. Due to illegal contact, she left the matrimonial home and after four years, the petitioner married to one Davamani and they have 3 daughters. In the petitioner's Service Register, his first wife name viz., Rosaria Mary was found in the wife column. Hence, the petitioner made a representation dated 17.03.2021, to the respondents to remove the name of Rosario Mary and incorporate the name K.Davamani in his Service Register in the wife column. Since no order has been passed till date, the petitioner has come out with the present Writ Petition.

4. Considering the facts and circumstances of the case, this Court is of the view that this issue has to be decided only by the Authority concerned, after providing opportunity to the parties concerned. Therefore, this Court will not go into the merits and demerits of the case.

5. In view of the above, this Court, without expressing any opinion on the merits of the matter, directs the third respondent to consider the representation of the petitioner dated 17.03.2021, on its own merits and in accordance with law, after providing opportunity to the aggrieved parties viz., Rosaria Mary and Davamani and pass orders within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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 Accountant General,
Office of the Account General
(Accounts & Entitlements),
361, Anna Salai,
Chennai- 600018.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director of School Education,
O/o. The Director of School Education,
College Road,
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3.The District Education Officer,
O/o. The District Education Office,
Batlagundu,
Dindigul District.

+1 CC to M/s.S.SIVA MUMAR, Advocate (SR-25569[F] dated 06/08/2021)

+1 CC to M/s.GP (SR-25499[F] dated 06/08/2021)

W.P (MD) No.13573 of 2021
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RD(13.08.2021) 3P 6C