



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.34685 of 2016

Prince Paul Antony Malaiappa

...Petitioner

Vs

1. The Director of School Education,
Directorate of School Education,
DPI Campus,
College Road,
Nungambakkam,
Chennai 6
2. The State Board of School Education,
rep. by its Secretary,
Department of Government Examinations,
DPI Campus,
College Road,
Nungambakkam,
Chennai 6
3. The Joint Director of School Education,
Directorate of School Education,
DPI Campus,
College Road,
Nungambakkam,
Chennai 6
4. The District Educational Officer,
Cuddalore District,
Cuddalore

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified mandamus to call for the records pertaining to the impugned orders in O.M.No.39504/M/E3/2016 dated 21.07.2016 on the file of the 3d respondent and Na.Ka.No.6046/B5/2015 dated 04.08.2016 on the file of the 4th respondent and quash the same; consequently direct the respondents 1 to 3 to carry out the correction of petitioner's name as "Prince Paul Antony Malaiappa" instead of "Prince Paul Antony" in Secondary School Leaving Certificate (SSLC) in Certificate No.5856701 and Higher Secondary Course



Certificate (HSC) in Certificate No.5139935 issued by the 2nd respondent, as per the judgement and decree dated 18.04.2016 in O.S.No.95/2015 on the file of the Principal District Munsif, Cuddalore and consequent recommendation made by the 4th respondent in Na.Ka.No.6046/B5/2015 dated 26.05.2016.

For petitioner ... Mr. R. Balakrishnan

For respondents ... Mr. S. Ravikumar,
Special Government Pleader
for R1 to R3

ORDER

This writ petition has been filed challenging the order passed by the 3rd respondent refusing to alter the name of the petitioner in the SSLC mark sheet and Higher Secondary mark sheet.

2. The grievance of the petitioner is that the petitioner's name is "Prince Paul Antony Malaiappa" and the birth certificate also reflects the same name. However, at the time of admission in the school, his name has been wrongly mentioned as "Prince Paul Antony" leaving the name of Malaiappa. Then, after completing the school education, the petitioner joined higher studies. Subsequently, in the school transferring certificate and the SSLC and higher secondary mark sheets, petitioner's name has been shown as "Prince Paul Antony". Thereafter, the petitioner also completed his higher courses. Now, due to the change in his name in the certificate and marksheets, the petitioner is not in a position to get any employment. In the above circumstances, he filed a suit in O.S.No.95 of 2015 on the file of the Principal District Munsif, Cuddalore against the respondents herein along with the school authorities for a declaration to declare the petitioner's name as "Prince Paul Antony Malaiappa" and directed the defendants to change his name in the 10th and 12th mark sheets and the above said suit was contested by the school authorities alone and the other Government authorities remained exparte. Subsequently, the said suit has been decreed as prayed for on 18.04.2016 and thereby, declaring the name of the petitioner as "Prince Paul Antony Malaiappa" and the 2nd respondent therein/Director of School Education was directed to correct the name of the petitioner in the 10th and 12th mark sheet of the petitioner and thereafter, the 5th and 6th respondents therein, were also directed to correct his name in the Transfer Certificate, Provisional Certificate and Convocation Certificate. After obtaining the decree, the petitioner approached 4th respondent/District Education Officer, to correct the name in the mark sheets and after considering the same, the 4th respondent also sent a



recommendation to the 3rd respondent. After receipt of the recommendation, the impugned order came to be passed by the 3rd respondent rejecting the request of the petitioner on the ground that the decree is an ex parte decree and based on that ex parte decree, the name of the petitioner cannot be changed. Following that order, the 4th respondent also passed a consequential order refusing to correct the name of the petitioner. Challenging the same, the petitioner is before this Court with this writ petition.

3. Heard both sides and carefully perused the materials available on records.

4. From the perusal of the records it is seen that originally, in the birth certificate of the petitioner, his name is shown as "Prince Paul Antony Malaiappa". However, in the SSLC and higher secondary course certificate and mark sheets, his name is shown as "Prince Paul Antony". Subsequently, the petitioner has filed a suit for declaration and the said suit was also decreed declaring the petitioner's name as "Prince Paul Antony Malaiappa" and mandatory injunction also issued to the first respondent herein to correct the name of the petitioner in the 10th and 12th mark sheets and the decree also become final. In the said circumstances, the respondents cannot refuse to change the name of the petitioner on the ground that it is an ex parte decree. Hence, the impugned order passed by the respondents 3 and 4 are liable to be set aside.

5. Accordingly, the impugned orders passed by the respondents 3 and 4 are set aside. Since it is stated that only the 2nd respondent/State Board of School Education is the competent authority to correct the name in the mark sheet, the petitioner is directed to approach the 2nd respondent and give application seeking for name correction in the 10th and 12th mark sheets. On filing such application, the 2nd respondent is directed to correct the name of the petitioner as "Prince Paul Antony Malaiappa" in the 10th and 12th mark sheets and issue a fresh mark sheet to the petitioner, within a period of eight 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

//True Copy//

Sub Assistant Registrar



To

1. The Director of School Education,
Directorate of School Education,
DPI Campus,
College Road,
Nungambakkam,
Chennai 6.
2. The Secretary, State Board of School Education,
Department of Government Examinations,
DPI Campus,
College Road,
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3. The Joint Director of School Education,
Directorate of School Education,
DPI Campus,
College Road,
Nungambakkam,
Chennai 6
4. The District Educational Officer,
Cuddalore District,
Cuddalore

+1 CC to Mr.D.Rajasekar, Advocate sr 17875
+1 CC to The Government Pleader sr 18144.

W.P. No.34685 of 2016

AJB(CO)
SP(13/05/2022)