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W.P.No.24619 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.24619 of 2014

N.Balasubramanian

... Petitioner

Vs

1.The Director of School Education,
D.P.I Campus,
College Road, Chennai.

2.The Head Master,
Government Girls Higher Secondary School,
Vandavasi,
Thiruvannamalai District.

3.U.Chockammal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the first respondent to take action on the petitioner's complaint dated 11.08.2014 and conduct enquiry and take action against the second and third respondents for creating bogus transfer certificate.

For Petitioner : No Appearance

For Respondents :

For R1 & R2 : Mrs.E.Ranganayaki
Additional Government Pleader



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ORDER

There is no representation on behalf of the petitioner.

2. This Writ Petition has been filed for a Mandamus to direct the first respondent to take action on the petitioner's complaint dated 11.08.2014 and conduct enquiry and take action against the second and third respondents for allegedly preparing and fabricating the documents.

3. The specific case of the petitioner appears to be that the third respondent along with the second respondent have manipulated the records of the School Register by altering the name of the father of the third respondent as Chellan.

4. The learned Additional Government Pleader for the first and second respondents has filed a copy of the extract of School Register and the alterations made in respect of the name of the father of the third respondent. It is submitted that the third respondent was born on 15.05.1984 and alteration in the name of the father of the third respondent was made as early as 16.06.1989



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wherein, the name of the third respondent father was altered from Umapathy to Chellan @ Chella Gounder.

5. A reliance was also placed on the Counter Affidavit filed by the second respondent, wherein, in Paragraph 5, it has been categorically stated as follows:-

“5. It is humbly submitted that the 3rd respondent was admitted in the 6th Standard in the 2nd respondent school on 06.05.1994 as per application submitted by the grandfather of 3rd respondent and in which the 3rd respondent father's name was mentioned as “Umapathy”. But for school records the Record Sheet issued by the previous school has been taken into account (When the students who studied from 1st to 8th Standards complete their classes and leave to join other high schools, the system of issuing record sheets was under function during that period) as such the Record Sheet contains the father's name as “Chella Gownder” as per correction made by the Headmaster, Panchayat Union Middle School, Athipakkam. Further, the correction was made on 16.06.1989. While issuing the Transfer Certificate to the 3rd respondent on 31.01.2001 the 3rd respondent correctly mentioned the 3rd respondent father's name as “Chellan”. Further, the said Transfer Certificate was received by the Grandfather of the 3rd respondent along with the 3rd respondent. The above said facts show that the 2nd respondent acted as per rules laid down in the Tamil Nadu Educational Rules under the title “Admission and Withdrawal of the Pupils”.



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6. The records which have been filed before this Court indicates that the alterations were made much prior to the date of the complaint and not immediately preceding the aforesaid complaint. It cannot therefore be construed as fabrication of documents/records. It appears that there is a private dispute between the petitioner and the third respondent.

7. Hence, the petitioner's prayer for taking action against the second and third respondents cannot be entertained as the alterations have been made as early as 16.06.1989.

8. Under these circumstances, I am inclined to dismiss this writ petition. Accordingly, this writ petition is dismissed. No cost.

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Index: Yes/No
Speaking/Non-Speaking Order

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C.SARAVANAN, J.

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