



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.3 of 2022

M.Shruthi

... Petitioner

vs.

1.The University Grant Commission,
represented by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi.

2.The Ministry of Human Resources,
represented by its Secretary,
Ministry of Human Resources,
No.1, West Block,
Ramakrishnapuram, New Delhi.

3.The Controller of Examination,
Vinayaka Mission's Research Foundation,
(Deemed to be University),
Ariyanoor, Salem District.

4.The Registrar,
Vinayaka Mission's Research Foundation,
(Deemed to be University),
Ariyanoor, Salem District.



5.The Dean,
Vinayaka Mission's Research Foundation,
(Deemed to be University),
Ariyanoor, Salem District.

6.The Principal,
Vinayaka Mission's Research Foundation,
(Deemed to be University),
Ariyanoor, Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of impugned order in Ref.No.VMRFDU/Reg/MD/(Mom)/2021/081 issued by the respondent No.4 and to quash the same as illegal and directing the Respondent No.3 to change the petitioner's present name M.Sheri Faydha instead of earlier name M.Shruthi in the petitioner's college certificates by considering the representation, dated 23.09.2021.

For Petitioner	:Mr.S.M.A.Jinnah
For R1	:Mr.B.Vijaya Karthikeyan
For R2	:Mr.S.Jeyasingh
For R3 to R6	:No Appearance

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to the order in Ref.No.



VMRFDU/Reg/MD/(Hom)/2021/081 issued by the fourth respondent and to quash the same and to direct the third respondent to change the name of the petitioner from M.Shruthi to M.Sheri Faydha. The petitioner had given a representation, dated 23.09.2021.

2.Heard Mr.S.M.A.Jinnah, learned Counsel for the petitioner, Mr.B.Vijaya Karthikeyan, learned Counsel for the first respondent and Mr.S.Jeyasingh, learned Counsel for the second respondent.

3.It must be stated at the outset that the respondents 4-6 had been served with notice through Court on 13.01.2022. They had taken a conscious decision not even to appoint any Counsel to appear before this Court. The names and addresses had been printed in the cause list. Taking note of the consistent absence, this Court had observed as follows on 07.03.2023:

“The names and address of respondents 4 to 6 are printed in the cause list. However, there is no representation.

2.Registry to examine whether any vakalat has been filed on behalf of respondents 4 to 6. If any vakalat has been filed, then name of the Counsel may be printed and copies to be served.

3.List the matter again on 16.03.2023.”



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4. Again, since there was no representation even on the next hearing date, ie., on 28.03.2023. The matter was adjourned to 06.04.2023 and the following observation had been made:

“Even though the respondents 4 to 6 have been served and their names and addresses are printed in the cause, there is no appearance. One further chance is given. If there is still no appearance, whether the writ petition is allowed or not, costs shall be directed to be paid by the respondents 4 to 6 for deliberate non-appearance before this Court.”

5. Today, again there is no representation on behalf of respondents 4-6. As a matter of fact, in the cause list, it is noted by the Registry that vakalat had not been filed.

6. The petitioner herein, after marriage had changed her name. She had published the same in the newspaper and also published it in the Gazette. Thereafter, she had applied to the fourth respondent to change her name in the certificates issued. It must be noted that she had completed her Bachelor of Homeopathy Medicine and Surgery in Father Muller Homeopathic Medical College run by the Rajiv Gandhi University of Health Science in the year 2014. She had qualified in her NEET examination and had obtained a call letter from the fourth



respondent. She sought change of her name from M.Shruthi to M.Sheri Faydha.

7.I must appreciate the stand taken by the learned Counsels for the first and second respondents who had stated that they have no objection for change in the name nor on the decision taken to change the name by the petitioner. However, the absence of representation of the respondents 4-6 had made it necessary for the Court to adjourn the matter atleast on three occasions, hoping that a Counsel would appear. Again there is no representation. In the order passed, which is impugned, dated 08.10.2021, the fourth respondent had stated that they had advised the petitioner herein to get an order from the Court. After giving that particular advise, which was quiet unnecessary, the fourth respondent should have ensured that they atleast appear before this Court.

8.In view of this fact, a direction is given that the fourth respondent should carry out necessary corrections in the name of the petitioner from M.Shruthi to M.Sheri Faydha in all certificates issued by the fourth respondent herein.



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9. Owing to the fact that there was no representation on behalf of the respondents 4-6, it would only be appropriate that the dignity of the judicial proceedings are upheld and costs are imposed particularly on the fourth respondent/the Registrar, Vinayaka Mission's Research Foundation, (Deemed to be University), Ariyanoor, Salem District. The cost of Rs.50,000/- is imposed on the fourth respondent to be paid to the credit of High Court Legal Services Committee, Madurai Bench of Madras High Court. This costs should be paid on or before 31.05.2023. The Member Secretary, High Court Legal Services Committee, Madurai Bench of Madras High Court, is directed to intimate the Collector, Salem District, if costs have not been paid by 31.05.2023 and if actually costs are not paid, the Collector, Salem may initiate necessary proceedings under Revenue Recovery Act to recover the said costs from the fourth respondent herein.

10. The Writ Petition stands disposed of. A direction is given to the fourth respondent to correct the certificates and issue fresh certificates in the corrected name to the petitioner herein on or before



31.05.2023. On receipt of the corrected certificates, the petitioner is directed hand back the certificates, which contained the name of M.Shruthi to the fourth respondent.

Index :Yes / No
Internet :Yes
NCC : Yes/No

06.04.2023

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Copy to:

1.The Member Secretary,
High Court Legal Services Committee,
Madurai Bench of Madras High Court,
Madurai.

2.The District Collector, Salem.

(For reference relating to imposition of costs on the fourth respondent)



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C.V.KARTHIKEYAN, J.

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Order made in
W.P.(MD)No.3 of 2022

06.04.2023