



WEB COPY

W.P.No.16998 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.16998 of 2024

S.Veerapavithiran

.. Petitioner

vs

1.The Director of School Education,
Directorate of School Education,
Chennai.

2.The Chief District Education Officer,
District Education Office,
Dharapuram.

3.The Headmaster
Government Higher Secondary School,
Dharapuram.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to rectify the father's name of the petitioner as 'V.Subbaiyan' instead of 'Subramanian' in the petitioner's transfer certificate in Serial No. 69/2011-2022, admission no. 9417 by considering the petitioner's representation dated 27.03.2023.

For Petitioner : Mr.Guruprasad

For Respondents : Mr.M.Rajendiran
Additional Government Pleader

ORDER

The petitioner seeks a mandamus directing the respondents, being the Director of School Education/R1, Chief District Education Officer/R2 and Headmaster, Government Higher Secondary School, Dharapuram/R3



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to rectify his father's name in the petitioner's transfer certificate from '*Subramanian*' to '*V.Subbaiyan*'.

2. Mr.Rajendiran, learned Additional Government Pleader for the respondents circulates a copy of the record sheet maintained by the Headmaster, Panchayat Union Nursery School, Thirumalaipalayam, Ponnivadi P.O., Kolanjivadi, Dharapuram, which reveals that the name of the father is *Subramanian* and the name of the guardian is *Subbaiyan*.

4. It is based on this record sheet that the present transfer certificate has been issued by R3. In light of the official records, particularly the record sheet maintained by the Panchayat Union Nursery School at Dharapuram, mandamus as sought for is not liable to be issued.

5. There is yet another twist in the tale. The petitioner has filed a suit in O.S.No.201 of 2022 before the District Civil Court, Dharapuram seeking the same relief as sought for in this Writ Petition. There is no disclosure in regard to this litigation in the writ affidavit. Moreover, the name of the plaintiff in that suit is R.Veerapavithiran, whereas the present petitioner's name is S.Veerapavithiran.

6. When this is pointed out to the learned counsel for the petitioner, he would, on instructions, first confirm that the plaintiff in that suit is none other than the petitioner in this Writ Petition. That apart, he would submit that the petitioner had, indeed, filed the Suit but had filed I.A.No.1 of 2023 subsequently withdrawing the same. The IA was allowed on 24.02.2023 dismissing the Suit as withdrawn.

7. Though it would have been appropriate for a disclosure to have



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been made in this regard, in light of the fact that the suit has been withdrawn on 24.02.2023, I do not make much of the matter. The factual discrepancies noted make it impossible for the issue of mandamus which requires to be premised upon unambiguous and admitted facts.

8. The petitioner states that he has filed a representation on 27.03.2023 before all the respondents and in this regard, this Court can intervene. Bearing in mind the elapse of time, mandamus is issued to R2 to consider the representation, though in accordance with law and all applicable Rules and Regulations, and dispose the same. Let full clarity be obtained from the petitioner on the identity of Subramanian and Subbaiyan and orders passed within a period of twelve (12) weeks from date of receipt of a copy of this order.

9. This Writ Petition is disposed in the aforesaid terms. No costs.

01.07.2024

Index:Yes/No
Neutral Citation:Yes
sl/ssm

To

- 1.The Director of School Education,
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District Education Office, Dharapuram.
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DR. ANITA SUMANTH,J.

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