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W.P. No.28302 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.28302 of 2022

P. Tamilselvi

... Petitioner

Vs

1. The Assistant Director,
Central Board of Secondary Education,
Shiksha Kendra,
No.2, Community Centre,
Preet Vihar,
Delhi – 110 092.

2. The Assistant Director,
Central Board of Secondary Education,
Chennai Regional Office,
Old No.1630A, New No.3,
'J' Block, 6th Avenue,
Anna Nagar West,
Chennai – 600 040.

3. The Principal,
Everwin Vidhyashram,
M9, Sundaram Nagar,
Redhills Road,
Kolathur,
Chennai – 600 099.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent's to include the mother's name (i.e., the petitioner's name) along in the registration of school records in X std as sole parent and to consider the petitioner's representation, dated 12.09.2022.

For petitioner : Mr.T.Jayaramaraj
For respondents : No appearance

ORDER

This writ petition has been filed for Mandamus seeking for a direction to the respondent's to include the mother's name (i.e., the petitioner's name) along in the registration of school records in X std as sole parent and to consider the petitioner's representation, dated 12.09.2022.

2. It is the case of the petitioner that she wedded M.Selvaraj @ Appun on 01.09.2004 and out of the said wedlock, they have blessed with one daughter by name S. Yakshitha Shree. Subsequently, due to a matrimonial dispute, the petitioner and her husband got separated. The order of dissolution of marriage was passed by the II Additional Family Court, Chennai on 05.02.2015 in H.M.O.P. No.2512 of 2014. It is further stated that ever since the date of the said separation, the petitioner is taking care of her daughter. While so, in the year 2016, she changed her daughter's name as T.S. Isaiarasi, vide G.O. Ms., dated 14.03.2016. Consequent to which,



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while her daughter pursuing X standard, the school authorities insisted the petitioner to include the name of the father of the student for school records. In turn, she replied to them by way of representation, dated 12.09.2022 that in the school records, it can be mentioned as sole parent i.e., by including mother's name, who is the petitioner herein alone. It is the grievance of the petitioner that the school authorities failed to include her name and the representation of the petitioner was not considered. Hence, the petitioner has approached this Court with the aforesaid prayer.

3. Learned counsel for the petitioner submitted that due to non-consideration of the petitioner's representation, the petitioner was put to much hardship. He further submitted that the petitioner's name was not included in the school records of her daughter by mentioning as “sole parent” and thus, the prescribed provisions contained in CBSE Examination Bye-laws, 1995 was not followed and there is a clear violation committed by the respondents. Hence, it would suffice, if a direction is issued to the respondents to consider the petitioner's representation, dated 12.09.2022, within a time schedule prescribed by this Court.

4. This Court heard the submissions made by the learned counsel for the petitioner and perused the entire records. Though respondents have



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been served, there is no representation on their side. Considering the year of the writ petition and based on the counter affidavit filed by the respondents 1 and 2, the orders being passed, today.

5. On a bare perusal of records, it reveals that due to matrimonial dispute the petitioner and her husband got separated, vide order, dated 05.02.2015 in H.M.O.P. No.2512 of 2014 passed by the II Additional Family Court, Chennai. It further reveals that before the aforesaid separation, the petitioner's daughter was born and named as S. Yakshitha Shree. Subsequently, the name of petitioner's daughter was changed as T.S. Isaiarasi. From the above, it is crystal clear that there is no doubt in the biological status of the father (petitioner's husband) and mother (petitioner) of T.S. Isaiarasi. The primary contention of the petitioner is that in the school records of her daughter, the name of the petitioner alone to be mentioned by stating as "sole parent". Further, it is to be seen that though there is a separation between the petitioner and her husband, the said biological status remain the same and thus, the petitioner cannot seek for changes as sought for. Apparently, it is clear that in the school records, it has not been mentioned as requested by the petitioner.

6. Be that as it may. On the other hand, on a careful reading of the



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counter affidavit, it is evident that there is no provision to upload only mother's name at the time of registration of Class IX of the student. Hence, it is the responsibility of the school authorities, particularly at the time of Class X List of Candidates(LOC) registration to upload the corrected data, which is the sole opportunity available to the petitioner. The relevant Rule provision stipulates that the candidates will have the option either to mention the mother's name or father's name or both into the records of the Board. But it is pertinent to note that the petitioner's application for inclusion of her name in the relevant records as sole parent was received by the school authorities beyond the last date for submission for LOC 2022-2023, though the said application was ante dated. In such circumstances, the school authorities were unable to act upon the petitioner's representation. The petitioner has not produced any relevant records before this Court to substantiate her claim that it was received by the school authorities, well before the last date. Thus, it can be safely concluded that due to late submission of application, the opportunity was missed by the petitioner, whereas the petitioner is putting the blame on the side of the respondents / school authorities that they have not followed the rules is unsustainable one.



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7. In view of the above, this Court is of the considered view that there is no merit in this writ petition and the same is dismissed. No costs.

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Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
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To
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M.DHANDAPANI, J.

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