

KABK710021662022



O.S./198/2022
{CASE_CAUSE_TITLE}

**IN THE COURT OF ADDITIONAL CIVIL JUDGE &
JMFC, JAMKHANDI, AT: JAMKHANDI.**

PRESENT :
SHRI. ARASHAD ANSARI,
B.Com, L.L.M.,
Addl. Civil Judge & JMFC,
Jamkhandi.

Dated this 08th day of August – 2024

O.S. No.198/2022

1. Kumar.Vishal S/o Revansidda Hosamani,
Age: 17 years, Occ: Education,
Represented by his natural mother
and minor guardian plaintiff No.2.
Smt.Lalita W/o Revansidda Hosamani,
Tq: Jamkhandi, Dist: Bagalkot.
2. Smt.Lalita W/o Revansidda Hosamani,
Age: 37 years, Occ: Household work,
R/o. Jamkhandi,
Tq: Jamkhandi, Dist: Bagalkot.

..... Plaintiffs.

(By Shri.R.B.K., Advocate)

Vs.

1. State of Karnataka,
Represented by the
Deputy Commissioner,
Navanagar, Bagalkot.
2. The Deputy Director Public Instructions,
Belagavi.
3. The Secretary,
Karnataka Secondary Education
Examination Board, Malleshwaram,
Bengaluru.
4. The Director,
PU Board, Education Department,
Bengaluru.
5. The Block Education Officer,
Tq & Dist: Belagavi.
6. The Block Education Officer,
Kudachi Road,
Jamkhandi, Dist: Bagalkot.
7. The Head Master,
Vidyaneketan School, Jamkhandi,
Tq: Jamkhandi, Dist: Bagalkot.
8. The Head Master,
Higher Primary School,
Kalmeshwar Nagar, Sulebhanvi,
Tq & Dist: Belagavi.
9. The Head Master,

Swami Vivekanand School,
Jamkhandi, Dist: Bagalkot.

10. The Head Master,
Government High School,
Sulebhanvi,
Tq & Dist: Belagavi.
11. The Principal,
Rani Parvatidevi Arts & Commerce,
PU College, Tilakawadi, Belagavi,
Dist: Belagavi.

..... Defendants.

**(D-1 to 7 – By Learned AGP)
(D-8 to 11 – Ex-parte)**

Date of institution of suit	:	17-09-2022
Nature of suit	:	“Declaration and Mandatory Injunction”
Date of the commencement of recording of the evidence	:	01-07-2024
Date on which the judgment Was pronounced	:	08-08-2024
Total duration	:	Year/s Month/s Day/s 01 10 21

-: J U D G M E N T :-

The plaintiff has filed this suit seeking declaration to
declare his mother's name as Lalita and also prayed for

mandatory injunction seeking directions to the defendants to rectify in the school records accordingly.

2. Brief facts of the plaintiff's case is narrated as under;

It is the case of the plaintiff that, his mother's correct name is 'Lalita' and accordingly plaintiff's parent have given information to the defendants' institutions but they have wrongly entered her name as 'Shekubai' without there being any genuine and valid documents. Thereafter when plaintiff learnt about the mistakes in the school records, plaintiff approached to the studied institutions and requested them to rectify the same, but they refused by stating that in view of the circular issued by the Government, the school authorities have no power to rectify the school records. The defendants also not bothered to make necessary corrections as per the request of the plaintiff. Hence, plaintiff is constrained to file the present suit.

3. After due service of suit summons defendants No.1 to 7 appeared through learned AGP and defendants No.8 to 11 remained absent and they were placed ex-parte. The defendants filed their written statement and specifically denied all the plaint averments. Further they submitted that plaintiff has knowledge regarding existing name of her mother in the school records long back and same was entered into the school records as per information given by his parents. Further they have contended that suit is barred by limitation and non-issuance of prior legal notice as contemplated under Section 80 of CPC. The defendants further contended that this court has no jurisdiction to entertain the suit and amongst these grounds prayed to dismiss the suit of the plaintiff with costs.

4. Heard both the counsels. Perused the material available on record.

5. In order to prove the case plaintiff being minor represented by her natural mother and she examined

herself as PW-1 and got marked 8 documents at Ex.P-1 to Ex.P-8. On the other hand defendants did not choose to lead any defense evidence nor got marked any documents.

6. On the basis of rival pleadings this court framed the following issues;

: I S S U E S :

1. Whether the plaintiff proves that, his mother's correct name is 'Lalita' as alleged?
2. Whether the plaintiff is entitled for the reliefs as sought for?
3. What order or decree?

7. My findings for the above issues are as under;

Issue No.1:- In the Affirmative,

Issue No.2:- Partly in the Affirmative,

Issue No.3:- As per final order
For the following;

:- R E A S O N S :-

8. **ISSUE No.1 and 2:-** I have taken up these two issues together for common discussion as they are

interconnected to each other and also in order to avoid repetition of facts and appreciation of evidence.

9. It is the case of the plaintiff that, his mother's correct name is 'Lalita' but it is wrongly entered as 'Shekubai' in the school records. The mistake has been committed by the defendants. The plaintiff further submitted that they have requested defendants to make necessary corrections but they have denied for the same. In order to prove their contentions minor guardian of plaintiff examined herself as PW-1 and filed affidavit in lieu of examination-in-chief. In his evidence he reiterated all the plaint averments. Other than the oral evidence she also produced 8 documents which are marked at Ex.P-1 to Ex.P-8. Ex.P-1 and Ex.P-2 are birth certificates. Ex.P-3 is the ration card and Ex.P-4 to Ex.P-8 are adhaar cards.

10. All these documents goes to show that plaintiff mother's name is 'Lalita' and the defendants has wrongly entered as 'Shekubai'. No materials available on records to disbelieve the oral and documentary evidence relied by

the plaintiff. The learned AGP on behalf of defendants cross-examined the plaintiff, but nothing material has been elicited from PW-1 to discard the oral and documentary evidence to disprove the case. During the cross-examination one document got marked as Ex.D-1 through confrontation but it is also not sufficient to disbelieve the case of the plaintiff.

11. It is further case of the plaintiff that direction may be issued to the defendants for making necessary corrections by way of mandatory injunction. Therefore at this juncture it is worth to refer to dictum of **Hon'ble High Court of Karnataka in P.S.Venugopala @ P.S.Venu Vs. The Chief Secretary, Government of India and Others reported in HCR 2017 KANT 122** in this case Hon'ble High Court of Karnataka held as under;

“any correction in the school records like marks card or transfer certificate pertaining to plaintiff the plaintiff has to approach the competent authority for rectification or correction the said document including

the caste certificate or income certificate etc and separate committee is constituted so far as caste declaration of particular person is concerned likewise, for correction any change of name and correction in school record competent authority is somebody else and nor the civil court, which can correct the said school record”.

12. Hence in this light of above mentioned dictum it is clear that, this court have no jurisdiction to issue the directions to the defendants to rectify the school records of the plaintiff. Therefore plaintiff is not entitled for the relief of mandatory injunction by issuance of directions to the defendants. But civil court can declare the corrections of school records etc. It is left to the plaintiff to approach to the competent authority for correction of school records of plaintiff. Hence, I answered Issue No.1 in the '**Affirmative**', Issue No.2 '**Partly in the Affirmative**'.

13. **Issue No.3:-** For the findings and reasonings given to Issue No.1 and 2, I proceed to pass the following:

: O R D E R :

The suit of the plaintiff is hereby partly decreed.

It is declared that plaintiff mother's name is 'Lalita'.

Plaintiff is not entitled for the relief of mandatory injunction.

In view of facts and circumstances of the present case, parties are directed to bear their own respective costs.

Draw decree accordingly.

(Dictated to the Stenographer directly on computer and typed by him, and corrected, printout taken, signed by me and then pronounced in the open court on this the 08th day of August - 2024)

Sd/-

(Arashad Ansari),

Addl. Civil Judge & JMFC,
Jamkhandi.

:: A N N E X U R E S ::

List of witnesses examined on behalf of Plaintiff:-

PW-1 : Smt.Lalita W/o Revansidda Hosamani.

List of documents marked on behalf of Plaintiff:-

- Ex.P-1 : Birth certificate of Vijaykumar.
Ex.P-2 : Birth certificate of Mahalaxmi.
Ex.P-3 : Ration card.
Ex.P-4 : Adhaar card.
Ex.P-5 : Adhaar card.
Ex.P-6 : Adhaar card.
Ex.P-7 : Adhaar card.
Ex.P-8 : Adhaar card.

List of witnesses examined on behalf of Defendants:-

: - Nil -

List of documents marked on behalf of Defendants:-

: - Nil -

Sd/-
(Arashad Ansari),
Addl. Civil Judge & JMFC,
Jamkhandi.

