

KABI030056172025



**IN THE COURT OF THE PRL. CIVIL JUDGE AND
J.M.F.C., BALLARI.**

Original Suit No.760/2025

Dated this the 18th day of December, 2025

**Present : Sri. NAGESH NAIK
M.A., LL.B.
Prl. Civil Judge and JMFC.,
Ballari.**

**Plaintiff/s : Gattu Varun Reddy S/o Gattu Mohan Reddy,
aged about 25 years, R/o KHB Colony, Moka
Road, Gandhi Nagar, Ballari.**

(By Sri. S.G.S., Advocate)

V/s

**Defendant/s : 1. The Head Master, Nalanda Vidya Nikethana
College, merged with Government School,
behind Durgamma Temple, Ballari.
2. The Deputy Director of Public Instructions,
Fort, Ballari.
3. The Block Educational Officer, Fort, Ballari.
4. The Deputy Commissioner, D.C Compound,
Ballari.**

(D.1 to 4 by D.G.P.,).

Nature of the suit	:	Declaration & mandatory injunction.
Date of Institution of suit	:	08.10.2025
Date of Commencement of evidence	:	09.12.2025
Date of judgment Pronounced	:	18.12.2025
Duration of the Suit	:	Year/s Month/s Day/s 00 02 10

(Nagesh Naik)
Prl. Civil Judge and JMFC.,
Ballari.

JUDGMENT

This is a suit filed by the plaintiff for declaration and for mandatory injunction to direct the defendants to rectify his mother tongue in his academic records as Telugu, in the interest of justice and equity.

2. The case of the plaintiff in brief is as follows:

It is the case of the plaintiff that, he had studied up to 10th standard in the institution of 1st defendant. At the time of admitting him to the school his parents have informed the school authorities that mother tongue of the plaintiff is Kannada instead of Telugu.

Therefore, defendants authorities have recorded his mother tongue as Kannada instead of Telugu in his all academic records. Therefore, he had approached the defendants for rectification of his mother tongue in his academic records. The defendants have advised him to obtain the decree of the court for the correction of his academic records. Therefore, he had filed this suit along with application under Section 80(2) of CPC to dispense the issuance of prior notice before filing the suit. Hence the suit.

3. After registration of the suit, summons were issued to the defendants. The defendant No.1 to 4 have appeared through learned D.G.P. and he filed written statement for 3rd defendant and other defendants have adopted the written statement of 3rd defendant.

4. The Defendant No.3 has denied the case of the plaintiff and pleads his ignorance about the admission of the plaintiff in the institution of 1st defendant. It is further contended that, plaintiff has not studied in the Government institution and as such this defendant has not aware about the anything with regard to the language of the plaintiff. The plaintiff has not explained the reasons for changing his mother tongue from Kannada to Telugu.

5. It is further contended that, plaintiff has not impleaded the SSLC Board as a party to the suit. The plaintiff himself has mentioned that, his mother tongue as a Kannada and no where he had mentioned his mother tongue as Telugu. The plaintiff has not issued a prior notice under Section 80 of CPC. There is no cause of action for the plaintiff to file the suit. Hence, prays to dismiss the suit.

6. On perusal of the pleadings, I had framed the following issues which are as hereunder:

1. Whether the plaintiff proves that, his mother tongue is Telugu?

2. Where the plaintiff is entitled for the relief as sought for?

3. What order or decree?

7. The plaintiff in order to prove his case, filed affidavit in lieu of examination in chief as PW.1 and got marked documents as per Ex.P.1 to P.6. On the other hand to disprove the case of the plaintiff the defendants have not examined any witness.

8. Heard the learned counsel for both parties and perused the records.

9. On careful scrutinizing the oral and documentary evidence produced by the parties and having regard to the arguments canvassed by both side, the above issues are answered as under:

Issue No.1 : In the **Affirmative**

Issue No.2 : In the **Affirmative**

Issue No.3 : As per final order for the following:

REASONS

10. **Issue No.1 and 2:-** Since these issues are connected with each other, in order to avoid repetition of facts, these issues are taken together for common discussion.

11. Before discussing the case on merits, I would like to rely upon the decision of Hon'ble Supreme Court reported in (2014) 9 SCC 485, in the case between State of Karnataka V/s. Associated Management of English Medium Primary and Secondary School, wherein at para No.33 it was held as under;

“Mother tongue in the context of the constitution would, therefore, mean the language of the linguistic minority in a state and it is the parent or the guardian of the child who will decide what the mother tongue of the child is. The constitution nowhere provides that mother tongue is the language which the child is comfortable with, and while this meaning of “mother tongue” may

be a possible meaning of “expression, this is not the meaning of mother tongue in Article 350(A) of the Constitution or in any other provision of the constitution and hence we cannot either expand the power of the state or restrict a fundamental right by saying that mother tongue is the language which the child is comfortable with. We accordingly answer question No.1”.

The Hon’ble Supreme Court in the above decision explained the meaning of word ‘mother tongue’. The parents or the guardian of the child has a right to decide the mother tongue of the child. Keeping this preposition of law in the mind, I would like to decide the present facts of the case on hand.

12. This suit is filed for correction of mother tongue in the academic records of the plaintiff. Now the question is whether this court has got power to directs the defendants to rectify the mother tongue of the plaintiff in the academic records. In this regard, I would like to rely upon the circular of the Government of Karnataka, bearing No.ED100DTB2014, dated 26.10.2015. The para No.6 of the circular is herein extracted.

6. "ಎಸ್.ಎಸ್.ಎಲ್.ಸಿ ಆದ ನಂತರದ ಅಭ್ಯರ್ಥಿಗಳ ಶಾಲಾ ದಾಖಲಾತಿ/ಅಂಕಪಟ್ಟಿಯಲ್ಲಿ ಹೆಸರು, ಅಡ್ಡ ಹೆಸರು, ಪೋಷಕರ ಹೆಸರು ಹಾಗೂ ಜನ್ಮ ದಿನಾಂಕ ಇತ್ಯಾದಿಗಳು ತಿದ್ದುಪಡಿ ಆಗಬೇಕಿದ್ದಲ್ಲಿ ನ್ಯಾಯಾಲಯದಿಂದ ಡಿಕ್ರಿ ಪಡೆದು ಬಂದ ಪ್ರಕರಣಗಳಲ್ಲಿ ನ್ಯಾಯಾಲಯದ ಆದೇಶದ ಮೇರೆಗೆ ಶಾಲಾ ದಾಖಲಾತಿ ನಿಯಮಗಳನ್ವಯ ಪರಿಶೀಲಿಸಿ ಜಿಲ್ಲಾ ಉಪ-ನಿರ್ದೇಶಕರು ಪ್ರಸ್ತಾವನೆ ಸ್ವೀಕರಿಸಿದ 15 ದಿನದೊಳಗೆ ಸೂಕ್ತ ತಿದ್ದುಪಡಿ ಮಾಡಿ ಆದೇಶ ಹೊರಡಿಸುವುದು."

As per the above circular the students who wanted to correct their name, surname, parents name and date of birth etc., are required to produce the decree of the court for correction of their academic records after the SSLC. In this case admittedly the plaintiff has completed his SSLC and without the decree of the court defendants cannot rectify the names of the mother tongue of the plaintiff in his academic records. Therefore, this court has jurisdiction to try the suit and rectify the mistakes in the academic records.

13. The plaintiff has produced his father's transfer certificate and marks card as Ex.P4 and 5 to show that, his mother tongue is Telugu. The Ex.P4 is the transfer certificate of Gattu Mohan Reddy who is a father of the plaintiff. Ex.P5 is the marks card of the Gattu

Mohan Reddy shows that, his first language is Telugu. In other words the father of the plaintiff was studied in Telugu language in Andhra Pradesh. Therefore it appears that, parents mother tongue of the plaintiff is Telugu. When such being the case defendants are bound to correct the mistakes in the academic records of the plaintiff.

14. The defendants are public servants. As per Section 80 of CPC, no suit is maintainable against the Government, public officer in respect of acts done by them in their official capacity until the expiry of two months notice in writing has been delivered at their respective office. The notice shall disclose the cause of action, name, description and place of residence of the plaintiff and relief which he claims. Further the plaint shall also contain the service of notice on the such public officer. Therefore, it is a mandatory on the part of the plaintiff to issue a notice to the defendants prior to the institution of a suit. In this case the plaintiff filed IA No.I under Section 80(2) of CPC to dispensed the issuance of prior notice before filing the suit. The said application was allowed by the court and defendants have not challenged the order passed by this court on IA No.I. Therefore, the plaintiff has got cause of action to file a suit against the defendants.

15. In the instant case the plaintiff has established his mother tongue is Telugu. Therefore, the plaintiff is entitled for the relief claimed in the plaint. Therefore, I proceed to answer issue No.1 and 2 in the *Affirmative*.

16. Issue No.3:- On the basis of above findings on issue No.1 and 2, I proceed to pass the following:

ORDER

The suit of the plaintiff is decreed.

It is declared that plaintiff mother tongue is Telugu.

The defendants are directed to record the mother tongue of the plaintiff as Telugu in the place of Kannada in his academic records.

No order as to the costs.

Draw decree accordingly.

(Dictated to the Stenographer on computer and computerized by her, corrected by me and then pronounced in the open court on this the 18th day of December, 2025).

(Nagesh Naik)
Prl. Civil Judge and JMFC.,
Ballari.

ANNEXURE**1. List of witnesses examined on behalf of plaintiff:-**

PW.1 : Gattu Varun Reddy.

2. List of documents marked on behalf of plaintiff:-

Ex.P.1 : Request letter dt.18.08.2025,
Ex.P.2 & 3 : Two study certificates,
Ex.P.4 : Transfer certificate,
Ex.P.5 : SSLC Marks card,
Ex.P.6 : Aadhar card.

3. List of witnesses examined on behalf of defendants:- NIL.**4. List of documents marked on behalf of defendants:- NIL.**

(Nagesh Naik)
Prl. Civil Judge and JMFC.,
Ballari.

(Judgment pronounced in the open court vide separate judgment)

ORDER

The suit of the plaintiff is decreed.

It is declared that plaintiff mother tongue is Telugu.

The defendants are directed to record the mother tongue of the plaintiff as Telugu in the place of Kannada in his academic records.

No order as to the costs.

Draw decree accordingly.

**Prl. Civil Judge and JMFC.,
Ballari.**