



W.P(MD)No.20153 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.20153 of 2026

and

W.M.P.(MD).Nos.14929 and 14930 of 2026

Seventh Day Adventist Matriculation Higher Secondary School,
Represented by its Correspondent-cum-Principal,
Arulanandham Kovil

... Petitioner

Vs

- 1.The Director,
Directorate of Private School,
Chennai-600 006.
- 2.The District Collector,
Office of the District Collectorate,
Theni District.
- 3.The Chief Educational Officer,
Theni District.
- 4.The District Educational Officer (Private Schools),
Theni District.



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5. Shanmugavel,
The District Educational Officer (Private Schools),
Theni District.

6. Minor Kavahaya

7. Minor Catherine

8. Minor Snolin

9. Minor Jeroline ... Respondents

(Respondent Nos.6 and 7 represented through their parents / Guardian
Ravikumar)

(Respondent Nos.8 and 9 represented through their mother / guardian Suganthi
Savariyar)

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order of the fourth respondent in Na.Ka.No.648/A2/2026 dated 13.07.2026 and quash the same as illegal.

For Petitioner : Mr.A.Kannan

For R-1 to R-4 : Mrs.K.R.Shivashankari, Counsel for State

For R-6 & R-7 : Mr.Sankar Ganesh

For R-8 & R-9 : Mr.G.Vishnuram



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ORDER

This Writ Petition has been filed challenging the impugned proceedings of the fourth respondent in Na.Ka.No.648/A2/2026 dated 13.07.2026.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the petitioner would submit that the petitioner, Seventh Day Adventist Matriculation Higher Secondary School, is a recognized educational institution which has been imparting quality education for several decades and is presently catering to the educational needs of about 1,235 students from Periyakulam and the surrounding villages. The petitioner institution forms part of an educational organization administering several educational institutions throughout the State of Tamil Nadu under a uniform administrative policy. It is submitted that, as part of a routine administrative transfer exercise, the management issued a common transfer order dated 18.05.2026 transferring 107 permanent employees throughout Tamil Nadu, including seven employees from the petitioner institution. Out of the seven transferred employees, five accepted the transfer orders and joined their respective places of posting. However, the parents of respondents 6 to 9, namely, Ravi Kumar, Sugandhi



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Savariyar, refused to join the schools to which they had been transferred at Vellore and Gudiyatham. Instead, they allegedly instigated the parents and students, created disturbances in the petitioner school, and submitted complaints before the fourth and fifth respondents. Based on such complaints, the fourth respondent passed the impugned proceedings directing the petitioner school to permit respondents 6 to 9 to continue their studies in the petitioner institution. Challenging the said proceedings, the present writ petition has been filed.

4. The learned counsel for the petitioner would further submit that the transfer orders were issued only to the teachers and not to their children. No Transfer Certificates were issued to respondents 6 to 9 and the petitioner had not sought to remove them from the school rolls. In the absence of any Transfer Certificate having been issued, the District Educational Officer had no jurisdiction to interfere with the internal administration of the petitioner institution by directing continuation of the students. It is further contended that respondents 6 to 9 were not admitted under the 25% reservation contemplated under the Right to Education Act, but were admitted under the general category. Their admission was only by virtue of the fact that their parents were employees



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of the petitioner institution. Therefore, the reliance placed by the fourth respondent on the provisions of the Right to Education Act is wholly misconceived and demonstrates total non-application of mind. It is also submitted that, instead of reporting for duty at the transferred stations and admitting their children in the respective schools at Vellore and Gudiyatham, the parents attempted to exert pressure upon the management by staging protests in front of the petitioner school. Hence, the learned counsel prayed for quashing the impugned order.

5. Per contra, the learned counsel appearing for respondents 6 to 9 would submit that, though the parents of the children were transferred to Vellore and Gudiyatham, such transfer does not automatically confer any right upon the petitioner management to compel the children to leave the petitioner school. The children are permanent residents of Periyakulam and have been pursuing their education in the petitioner institution for several years. Merely because their parents have been transferred, the educational continuity of the children cannot be disrupted. He would further submit that there is no rule enabling the petitioner management to withdraw the educational concession extended to the children



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merely because their parents have been transferred. Such concession can be withdrawn only if the parents cease to be employees of the institution. In the present case, admittedly, the parents were only transferred and had not been terminated from service when the impugned proceedings came to be passed. Therefore, the children were fully entitled to continue their education in the petitioner institution, subject to payment of the prescribed fees and compliance with the rules of the school. It is also contended that the petitioner institution is an educational institution established for imparting education and not for any commercial or profit-making purpose. Denial of continuation of education to the children solely on account of the transfer of their parents would be arbitrary, unreasonable and contrary to the welfare of the children. Therefore, the order passed by the fourth respondent deserves to be sustained.

6. This Court has carefully considered the rival submissions and perused the materials placed on record.

7. Admittedly, the transfer orders were issued only to the parents of respondents 6 to 9 and not to the children. Equally, it is not in dispute that no



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Transfer Certificates were issued to respondents 6 to 9. Therefore, the educational status of the children in the petitioner institution continued unaffected by the transfer of their parents. The contention of the petitioner that the children are also liable to be shifted to other institutions merely because their parents have been transferred cannot be accepted. A transfer of service is a condition applicable to an employee and cannot automatically determine the educational rights of the employee's children. The continuity of a child's education cannot ordinarily be disturbed unless there exists a statutory provision, contractual condition or any valid regulation authorizing such action. Though the fourth respondent has referred to the provisions of the Right of Children to Free and Compulsory Education Act, 2009, and it is true that respondents 6 to 9 were not admitted under the 25% reservation contemplated under the said Act, the ultimate direction issued by the fourth respondent cannot be faulted. Even dehors the provisions of the Right to Education Act, every educational institution is expected to ensure continuity of education to its students unless there exists a legally sustainable reason to discontinue their admission. In the present case, the petitioner has not pointed out any statutory rule or condition of admission authorizing automatic discontinuance of the children's education solely because



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their parents were transferred to another school under the same management. On the contrary, the records disclose that the children continued to remain on the rolls of the petitioner institution and no Transfer Certificates had been issued.

8. This Court is of the considered view that the transfer of the parents cannot deprive the children of their right to continue their education in the petitioner school. Educational continuity is an important consideration affecting the welfare of the children, and such continuity ought not to be disturbed in the absence of any legal justification.

9. Therefore, this Court finds no infirmity in the impugned proceedings dated 13.07.2026 passed by the fourth respondent warranting interference under Article 226 of the Constitution of India.

10. Accordingly, the Writ Petition stands dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

28.07.2026

NCC : Yes / No

Index : Yes / No

TSG

Note : Issue Order Copy by 29.07.2026

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M.DHANDAPANI, J.

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