

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.29165 of 2016

Sri Durga (Minor),
Rep., by her Father Dr.K.Radhakrishanan,
S.K.Bhavan, Cherupaloor Post,
Kulasekaram,
Kanya Kumari District. ... Petitioner

Versus

1. The Inspector of Matriculation Schools,
O/o Inspector of Matriculation Schools,
DPI Campus, College Road,
Chennai - 600 006.
2. Shri Nehru Vidhyalaya Matriculation
Higher Secondary School,
Rep., by its Principal,
R.S.Puram,
Coimbatore - 641 021.
3. Dr.Idhumathi,
D/o.Mr.Vishwanathan,
5/19, New Ananthan Nagar,
1st Cross Street, P.N.Puthur,
Coimbatore. ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the respondents 1 and 2 to issue the Transfer Certificate to the petitioner, namely, Sri Durga based on the application made by the petitioner's father dated 06.08.2016, within a time frame that may be fixed by this Court.

For Petitioner : Mr.K.Thilageswaran

For Respondents : Mr.A.N.Thambi Durai
Special Government Pleader for R1
No Appearance for RR2 & 3

O R D E R

Mr.K.Thilageswaran, learned counsel appearing for the petitioner and Mr.A.N.Thambi Durai, learned Special Government Pleader appearing for the respondents. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner is a minor represented by her father, who appears to be a Doctor and there are certain disputes and difference between him and his wife namely, the third respondent, who is also a Doctor and the dispute is not only rested among themselves, but both of them are trying to take it on the children. The third respondent is said to be staying at Coimbatore and out of the wedlock, they had two girl children and both of them were said to be taken by the third respondent and admitted in the second respondent's school by the mother/third respondent. The further case of the petitioner is that only the third respondent's father had taken both the children to Nagerkoil and handed over them to the petitioner's father. In respect of one of the child, petitioner's father was able to secure Transfer Certificate from the school in which the girl was studying and subsequently, the said child is admitted in a school at Nagerkoil. So far as the other child namely, the petitioner herein, it appears that the second respondent school has not given a Transfer Certificate.

3. Though private notice has been served on the second respondent school and the third respondent, they have not appeared through counsel and their names are printed in the cause list.

4. In the light of the peculiar facts and circumstances of the case, this Court leaves the matter to the best decision of the second respondent institution, which shall bear in mind that the interest of the minor is paramount, but as the second respondent had admitted petitioner to the school, based on the requisition made by the third respondent, the School may consider the petitioner's father's request after hearing the third respondent. The above directions be complied with, within a period of 10 days from the date of receipt of a copy of this order.

The Writ Petition is disposed of on the above directions. No costs.

Sd/-
Assistant Registrar(CS V)

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pbn

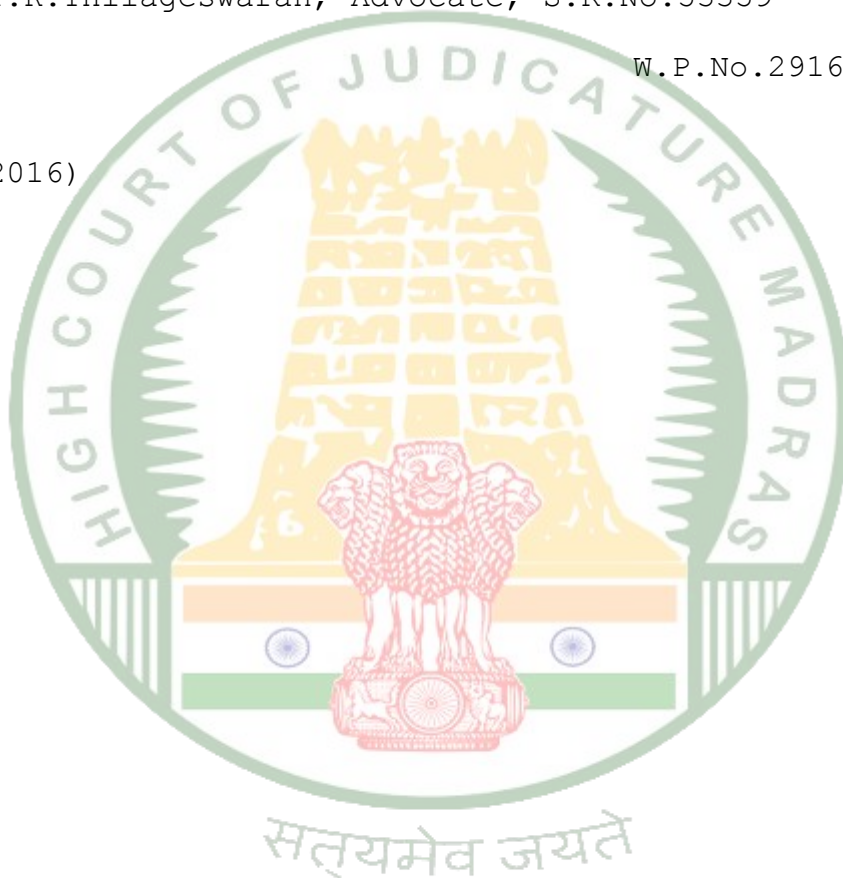
To

The Inspector of Matriculation Schools,
O/o Inspector of Matriculation Schools,
DPI Campus, College Road,
Chennai - 600 006.

+lcc to Mr.K.Thilageswaran, Advocate, S.R.No.53359

W.P.No.29165 of 2016

TRM(CO)
CA(28/09/2016)



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