

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.11.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.35783 of 2016
& W.M.P.No.30736 of 2016

C.Inbavalli

.. Petitioner

Vs.

- 1.The Director,
Directorate of School Education,
College Road, Chennai - 600 006.
- 2.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Sivagangai District,
Sivagangai.
- 3.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Thiruppur District,
Thiruppur.
- 4.The Head Mistress,
St.Justin's Girls Higher Secondary School,
Madurai Road, Sivagangai.
- 5.The Head Mistress,
V.K.Government Higher Secondary School,
Ayyankalipalayam,
Thiruppur - 603 641.

6.S.Rajendran

.. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1, 2 and 4 to issue the Transfer Certificate of Ms.Divya to the petitioner.

For Petitioner : Mr.K.Balaji

For Respondent Nos.1 to 3: Mr.R.A.S.Senthilvel
Additional Government Pleader

For Respondent No.4 : Mr.A.Arul Maran

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents 1, 2 and 4 to issue the Transfer Certificate of Ms.Divya to the petitioner.

2.The petitioner is the sister of the sixth respondent, who had handed over his female child, namely, Divya, to her and she is studying 10th Standard in the fifth respondent's School / V.K.Government Higher Secondary School, Ayyankalipalayam, Thiruppur. While so, on 26.05.2016, the sixth respondent forcibly taken the child to Chennai and obtained Transfer Certificate from the fifth respondent's School and admitted in the fourth respondent's School at Sivagangai. Since the petitioner was not aware about the act of the sixth respondent, in order to secure the child, she filed H.C.P.No.1653 of 2016 before this Court. On 17.08.2016, the Division Bench of this Court set aside the order and handed over the child to the petitioner. Now, the child is in the custody of the petitioner. Thereafter, the petitioner made representation dated 29.09.2016 to the respondents to issue the Transfer Certificate of the child, but till date no orders have been passed and hence, the Writ Petition has been filed.

3.Mr.K.Balaji, learned counsel appearing for the petitioner would submit that the petitioner would be satisfied, if her representation is directed to be considered and appropriate orders are passed as expeditiously as possible.

4.Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for the respondents 1 to 3 has got no serious objection for directing the fourth respondent, who is the appropriate authority to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law.

5.Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the fourth respondent, to consider the representation of the petitioner, dated 29.09.2016 and hand over the Transfer Certificate of Ms.Divya to the petitioner, who in turn admit the minor child to the fifth respondent's School and also take care her rights as well as the education and give all protection to the child. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

6.The Writ Petition is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

- 1.The Director,
Directorate of School Education,
College Road, Chennai- 600 006.
- 2.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Sivagangai District,
Sivagangai.
- 3.The Chief Educational Officer,
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- 5.The Head Mistress,
V.K.Government Higher Secondary School,
Ayyankalipalayam,
Thiruppur - 603 641.

+2 cc's to Mr.A.Arulmary, advocate,sr.68029

+1 cc to Mr.K.balaji,advocate,sr.68033

+1 cc to Govt.pleader,sr.68502

pk(co)
krd 29/11

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