



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.21460 of 2016

and

W.M.P (MD) No.15337 of 2016

P.Sakthikani

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District @ Nagercoil.

2.The Chief Educational Officer,
Kanyakumari District @ Nagercoil.

3.The District Educational Officer,
Nagercoil, Kanyakumari District.

4.The Headmaster,
Government Higher Secondary School,
Kottaram, Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the Respondents herein to give Re-Admission to the petitioners son by named P.Satheesh Kumar for 12th standard computer science (English Medium) in the 4th Respondent school and permit him to attend the class so as enable him to write Tamil Nadu State Board Plus Two / H.Sc Public Exam to be held on March 2017 on the basis of the petitioners representation made before the respondents herein by RPAD dated 24.10.2016 within a stipulated time fixed by this Court.

For Petitioner

: Mr.B.Brijesh Kishore

For Respondents

: Mr.V.Muruganandam,

Additional Government Pleader.

ORDER

The petitioner has come up with this writ petition seeking for the issuance of a writ of mandamus to direct the respondents to give re-admission to the petitioner's son by name P.Satheesh Kumar in 12th Standard (Computer Science) (English Medium) in the fourth respondent school and permit him to attend the class so as to enable him to write Tamil Nadu State Board Plus Two Examination scheduled to be held on March 2017 based on the



representation of the petitioner dated 24.10.2016.

2. Heard Mr. B. Brijesh Kishore, learned counsel appearing for the petitioner and Mr. V. Muruganandam learned Additional Government Pleader appearing for the respondents.

WEB COPY

3. According to the petitioner, the petitioner's son is studying in 12th Standard (Computer Science) (English Medium) in the fourth respondent school. It is stated that based on the complaint given by one girl student who is also studying in the fourth respondent school, the fourth respondent did not permit the petitioner's son to attend classes for 10 days and therefore, the petitioner met the fourth respondent to know the reason for not permitting her son to attend the class. At that time, the fourth respondent obtained the petitioner's signature in some papers and based on that, transfer certificate was issued to the petitioner's son. It is further stated that the petitioner approached the District Collector, the first respondent herein for re-admission of her son in the fourth respondent school and she has also submitted representation dated 24.10.2016 to all the respondents requesting them to readmit her son in the fourth respondent school. Since no order has been passed so far, the present writ petition has been filed.

4. When the matter came up for admission on 09.11.2016, this Court directed Mr. V. Muruganandam, learned Additional Government Pleader to take notice on behalf of the respondents and also directed the petitioner, her son and the fourth respondent to be present before this Court on 16.11.2016.

5. Pursuant to the said direction, the petitioner, her son and the fourth respondent appeared before this Court. On enquiry, the fourth respondent submitted that based on a complaint given by a girl student who is studying in the same school, enquiry was conducted and during the enquiry, the petitioner and her son appeared and opted to get transfer certificate and therefore, transfer certificate was given to the petitioner's son. He would further submit that now, the above girl student has already obtained transfer certificate and joined in some other school. Because of the misconduct, action was taken against the petitioner's son and they themselves sought transfer certificate.

6. Today, the petitioner and her son made an assurance before this Court stating that the petitioner's son would not indulge in any activities which would cause disturbance to the school hereafter and if the petitioner's son indulges in any further activities, the school authorities are entitled to take action in accordance with law. The petitioner would further request that if the petitioner's son is not readmitted in the respondent school, his studies and future will be spoiled. They are also willing to agree to tender unconditional apology before the fourth respondent.



7. Taking into consideration of the future of the petitioner's son, and the fact that the girl student who has made allegation against the petitioner's son also left the school, this Court is of the view that the petitioner's son may be readmitted in the fourth respondent school to continue 12th Standard, on condition that the petitioner and her husband along with their son should tender an unconditional apology for the act done by the student before the Headmaster, the fourth respondent herein, and also give an undertaking that the student would not indulge in any activities which would cause disturbance to the school hereafter. On receipt of the above undertaking, the fourth respondent is directed to readmit the petitioner's son in the fourth respondent school forthwith. It is needless to mention that in the event of the petitioner's son indulging in any activities which would cause disturbance to the peaceful running of the school in future, it is always open to the school authorities to take action against him, in accordance with law.

8. With the above direction, the writ petition is disposed of. No costs. W.M.P(MD)No.15337 of 2016 is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

sms

To

1. The District Collector,
Kanyakumari District @ Nagercoil.
2. The Chief Educational Officer,
Kanyakumari District @ Nagercoil.
3. The District Educational Officer,
Nagercoil, Kanyakumari District.
4. The Headmaster,
Government Higher Secondary School,
Kottaram, Kanyakumari District.

+2cc to Mr.B.Brijesh Kishore, Advocate Sr.No. 69562

JAM/17.11.16/SK-SKN/SAR I/3P-7C

Writ Petition (MD) No.21460 of 2016

and

W.M.P (MD) No.15337 of 2016

16.11.2016