



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.04.2016

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CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.6946 of 2016

G.Panchavarnam

... Petitioner

Vs.

1. The State of Tamil Nadu represented by
The Principal Secretary
Department of School Education,
State of Tamil Nadu,
Fort St. George, Chennai.
2. The Chief Educational Officer,
Office of the Chief Educational Officer,
Virudhunagar District.
3. The Head Master,
Government Hr. Sec. School,
Ammapatti 626138,
Srivilliputhur(TK),
Virudhunagar District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay adequate amount of compensation to the petitioner's son namely G.Kannan, now studying S.S.L.C., at respondent No.3 forcefully issued transfer certificate to the petitioner's son and not allowed him for attend classes for one month and psychological harassment faced by her son.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.V.Muruganandham,
Additional Government Pleader

ORDER

<https://hcservices.mca.gov.in/hcservices> Mr.V.Muruganandham, learned Additional Government Pleader takes notice for the respondents.



2. The case of the petitioner is that the petitioner is the mother of one G.Kannan, who is an S.S.L.C., student studying in the third respondent school. It is stated in the affidavit that along with the petitioner's son, six other students were issued Transfer Certificate by the third respondent school in order to maintain 100% result in S.S.L.C., public examination. It is further stated that the petitioner's son scored low marks and therefore, he was not permitted to continue his studies in the third respondent school. Hence, the petitioner's son along with six other students have made a representation in person to the second respondent. Pursuant to the same, the second respondent conducted an enquiry and directed the third respondent school to re-admit the petitioner's son and other students to continue their studies.

3. It is admitted that including the petitioner's son all the other students are rejoined in the third respondent school except two girl students.

4. Now, the prayer in the Writ Petition is that the respondents have to pay adequate compensation to the petitioner's son, who has now written the S.S.L.C examination, for forcefully issuing the Transfer Certificate, which had caused mental agony and psychological disturbance to her son. The petitioner has also alleged that the third respondent school is functioning without adequate science lab, library, teaching and non teaching staffs and adequate infrastructure.

5. Heard the submissions and perused the materials available on record.

6. It will be the anxiety of every school to show 100% results in the public examination. In that process they should screw up the students to study and perform well in the examination. In the instant case, though the Transfer Certificates have been issued to the students, at the right intervention of the Authorities, the children have been re-admitted to the school. Therefore, the petitioner cannot have any grievance.

7. But the grievance of the petitioner is that the students should be adequately compensated for the mental agony. If the petitioner is entitled for any compensation for the alleged psychological disturbance caused by the school to her son, it is open to her to go before the civil Court and claim the same. Instead of doing so, the petitioner cannot invoke Article 226 of the Constitution of India for claiming compensation, which requires evidence. Hence, the prayer sought for in the Writ Petition is not maintainable.



8. In the result, the Writ Petition is dismissed. Considering that at the wrong advice, the mother of the student had filed this Writ Petition, this Court is not imposing Costs.

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Sd/-

Assistant Registrar(P&A)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Principal Secretary, State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai.
2. The Chief Educational Officer,
Office of the Chief Educational Officer,
Virudhunagar District.
3. The Head Master,
Government Hr. Sec. School,
Ammapatti 626138,
Srivilliputhur(TK),
Virudhunagar District.

+1cc to M/s.R.Alagumani, Advocate, Sr.No.20509

+1cc to the Special Government Pleader, Sr.No.20458

pm

JM/GSV-PM/22.04.2016/3P-6C

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