

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.03.2017

CORAM

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition No.7384 of 2017

R.Purnima

.. Petitioner

/versus/

1.The Chairman/The Deputy Inspector General of Police,
Kendriya Vidyalaya,
Group Centre, CRPF,
Avadi, Chennai 600 065.

2.The Principal,
Kendriya Vidyalaya,
Group Centre, CRPF,
Avadi, Chennai 600 065.

3.The Commandant,
109 Battalion, CRPF,
Mongsangei,
PO-Canchipur,
West Imphal,
Manipur 795 003.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st and 3rd respondents to provide the service certificates and certificates for transfer details of petitioner's husband and other documents required by the 2nd respondent school and also direct the 2nd respondent to consider the admission of the son of the petitioner in 1st standard in kendriya Vidyalaya, CRPF, Avadi, Chennai 600 065.

For Petitioner

:Mr.R.Meenakshi

For Respondents

:Mr.Su.Srinivasan, ASG

O R D E R

By consent of both the parties, the writ petition is taken up for final disposal, at the admission stage itself. Mr.Su.Srinivasan, learned Additional Solicitor General takes notice on behalf of the respondents 1 and 3 including the second respondent-School.

2. The prayer in the writ petition is for issuance of a Writ of Mandamus directing the 1st and 3rd respondents to provide service certificates and certificates for transfer details of the petitioner's husband and other documents required by the 2nd respondent school and also direct the 2nd respondent to consider the admission of the son of the petitioner in 1st standard in Kendriya Vidyalaya, CRPF, Avadi, Chennai-600 065.

3. The petitioner, who is the wife of one C.Ravi Shankar, is working as Assistant Sub Inspector in Recruit Training Centre, CRPF, Avadi and now, he was transferred to 109 Battalion, CRPF, Manipur. They have a five year old son viz., Sai Siddharth.R. Due to some difference of opinion, the petitioner and her husband are living separately leading to filing of his petition in H.M.O.P.No.4743 of 2014 for divorce before the I Additional Family Court, Chennai. Another petition in H.M.O.P.No.568 of 2014 has been filed by the petitioner seeking restitution of conjugal rights. Both the petitions are pending.

4. The petitioner's son completed Kindergarten in CRPF Montessori School, Avadi, pursuant to the order obtained by this Court in W.P.No.8880 of 2015, dated 31.03.2015. The petitioner now applied for admission of her son in the first standard in Kendriya Vidyalaya, Group Centre, CRPF, Avadi, Chennai-600 065, dated 18.02.2017 through online application. Permanent registration Number is P-1770-3782210982. The second respondent-School authority is asking the petitioner to submit service certificate and transfer details of her husband for which, her husband has not prepared to give the details. Therefore, the petitioner has approached the first respondent and Recruit Training Centre, CRPF, Avadi, where her husband was previously working, to give the details of her husband, but, they refused to give the details, without consent of her husband.

5. In view of necessity to submit the application for getting admission to her son in Kendriya Vidyalaya, CRPF, Avadi, Chennai-600 065, the petitioner sent a representation dated 15.03.2017 to the first and third respondent in this regard. But, the said representation has not been considered by the first respondent till the date. Hence, the petitioner has come forward before this Court by way of filing the present writ petition.

6. A perusal of the records would show that especially, in the birth certificate issued on 07.02.2017, Sai Siddharth. R. was born on 05.01.2012 and the petitioner's name is reflected as mother and C.Ravi Shankar, husband of the petitioner is reflected as father. The communication dated 19.01.2015 issued by The DIGP/Principal, RTC, CRPF, Avadi, Chennai-65 would show that the said C.Ravi Shankar has been employed as Assistant Sub Inspector. The other records viz., identity card issued by CRPF

and Aadhar card would reveal that the said C.Ravi Shankar is father of the child. The divorce petition is pending before the I Additional Family Court, Chennai and the marriage is still in force. When the marriage is in force, the petitioner needs to give service details of her husband. Therefore, the first respondent is duty bound to give those certificates in the interest of the child. As long as the marriage is in force, there is no snapping of the relationship between the petitioner and her husband. Hence, the records are necessary.

7. Even assuming for a moment, the marriage has been dissolved, even then the relationship between the petitioner's husband and his child cannot be snapped. Therefore, the petitioner's husband is bound to educate his son legally and morally.

8. In view of that, in the interest of the child, the first respondent is directed to give certificates viz., service certificate and certificates regarding transfer details of the petitioner's husband viz., C.Ravi Shankar forthwith.

9. With the above direction, the writ petition is disposed of. No costs. Post the matter on 28.03.2017 "for reporting compliance".

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Chairman/The Deputy Inspector General of Police,
Kendriya Vidyalaya, Group Centre, CRPF,
Avadi, Chennai 600 065.

2.The Principal, Kendriya Vidyalaya,
Group Centre, CRPF, Avadi, Chennai 600 065.

3.The Commandant, 109 Battalion, CRPF,
Mongsangei, PO-Canchipur,
West Imphal, Manipur 795 003.

Copy to:

The Section Officer,Writ Section,High Court,Madras.

+2ccs to Mrs.R.Meenakshmi,Advocate sr.18590

W.P.No.7384 of 2017

scd(co)
ss(24/3/2017)