

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-09-2017

CORAM :
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.22686 of 2017

M.Kadavul

... Petitioner

Vs

1.The The Director of Matriculation Schools
DMS Compound,
Nungambakkam,
Chennai

2.The Inspector of Matriculation Schools
Erode,
Mettur Road, Erode - 1.

3.The Correspondent,
R.N.Oxford Matriculation School,
Paundamangalam (Po)
Namakkal District
Pin 637 208

4.The Tahsildar,
Paramathivelur
Namakkal District

(R4 suo motu impleaded by order dated 21.09.2017)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuing a writ of mandamus, directing the 3rd respondent to forthwith issue Transfer Certificate of the petitioner children named L.K.Deepak and K.Nethra who studied 6th and 4th standard respectively in R.N.Oxford Matriculation School, Paundamangalam (Po), Namakkal District.

For Petitioner : Mr.Gokula Rao
for E.P.Senniyangiri

For Respondents : Mr.V.Anandhamoorthy
(for R1 & R2)
Additional Government Pleader

O R D E R

The petitioner's children L.K.Deepak and K.Nethra were admitted in the 3rd respondent/school and they were studying in 6th and 4th standard respectively. Though, originally a reasonable fee was demanded, subsequently the third respondent raised the same to Rs.40,000/-, which the petitioner was unable to pay. Therefore, for the academic year 2016-2017, the petitioner wanted to change the school and secured admission in Kandasamy Kandar School in Paramathi Velur for his children. Thereafter, the petitioner requested the third respondent to issue transfer certificate. However, the third respondent refused to issue the transfer certificate, unless the petitioner pay the entire fees for the academic year 2016-2017. Therefore, the petitioner gave a detailed representation to the third respondent on 27.07.2017 with copies marked to the first and second respondents. However, the transfer certificate for the petitioner's children have not been issued by the third respondent and hence, the petitioner was constrained to approach this Court.

2.Heard Mr.Gokula Rao representing E.P.Senniyangiri, learned Counsel for the petitioner and Mr.V.Anandhamoorthy, learned Additional Government Pleader, appearing on behalf of the respondents 1 and 2.

3.Though, notice have been served upon the third respondent and the name is also printed in the cause list, there is no representation on behalf of the third respondent. Mr.V.Anandhamoorthy, learned Additional Government Pleader appearing for the first and second respondents would produce a communication dated 21.08.2017 issued by the first respondent to the third respondent, wherein the first respondent had directed the third respondent to issue transfer certificate for the petitioner's children. Further, he produced a letter dated 04.09.2017 written by the petitioner's wife addressed to the third respondent, acknowledging the Transfer Certificates issued to the children and copies of the certificates are also produced before this Court. Therefore, the relief sought for by the petitioner have been complied with.

4.In normal circumstances, this Court would dismiss the writ petition as infructuous, in view of the compliance of the prayer sought for by the Petitioner, even though the private school which discharges a public function by imparting education to the children, has not responded to the Court notice. That apart, the third respondent had unjustifiably refused to issue transfer certificate, inspite of the fact that the petitioner

informed the third respondent that he does not want to continue his childrens' education in the third respondent school and he got admission in Kandasamy Kandar School. The respondent should have responded to the Court notice and made its stand clear before this Court. Therefore, for not responding to the Court notice and for unjustly refusing to issue the transfer certificates to the petitioner's children, a sum of Rs.10,000/- is awarded as costs on the third respondent to be paid to the Chief Justice relief fund.

5.The Tahsildar, Paramathi Velur is suo motu impleaded as fourth respondent and Mr.V.Anandhamoorthy, learned Additional Government Pleader takes notice on behalf of the newly impleaded fourth respondent. The third respondent shall pay a sum of Rs.10,000/- on or before 09.10.2017 to the fourth respondent, who in turn shall remit the amount to the registry of this Court on or before 12.10.2017 and file a compliance report before this Court by way of an affidavit. In case the third respondent refuses to pay the money, the fourth respondent/Tahsildar shall auction any of the properties belonging to the third respondent and collect the money and pay it to the Chief Justice relief fund.

6. With the above directions, this writ petition is disposed of. For reporting compliance post the matter on 10.11.2017.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To

1.The The Director of Matriculation Schools
DMS Compound,
Nungambakkam,
Chennai

2.The Inspector of Matriculation Schools
Erode,
Mettur Road, Erode - 1.

3.The Correspondent,
R.N.Oxford Matriculation School,
Paundamangalam (Po)
Namakkal District Pin 637 208

4.The Tahsildar,
Paramathivelur
Namakkal District.

5.The Section officer,
Writ Section, High Court, Madras
(Post the Matter on 10.11.2017 for reporting compliance)

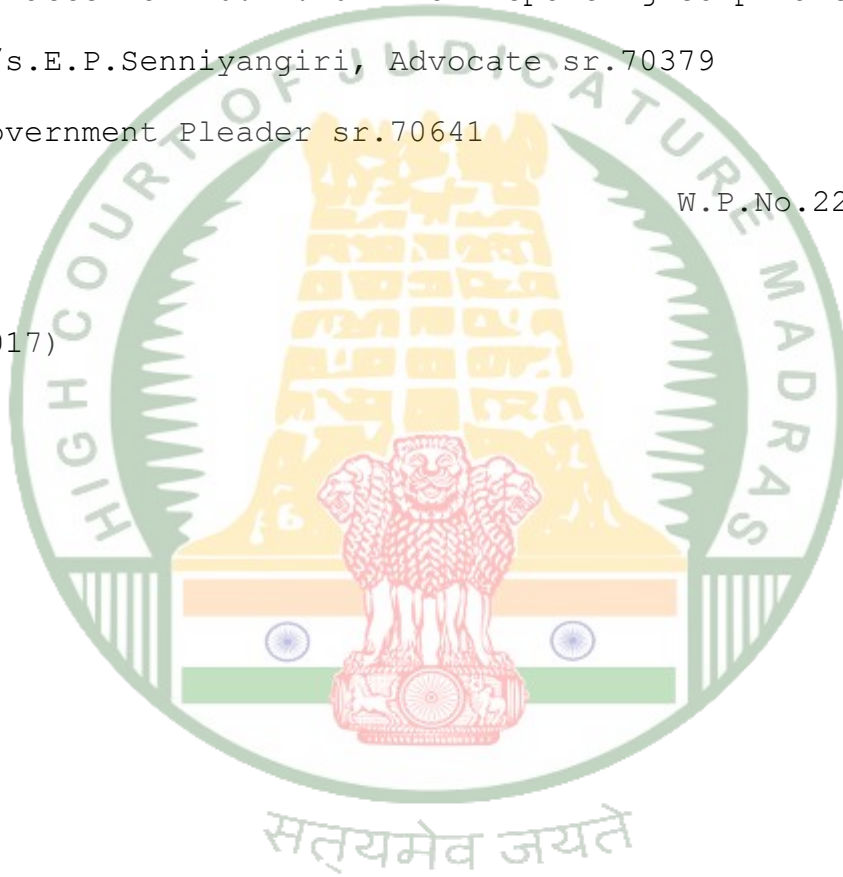
+1cc to M/s.E.P.Senniyangiri, Advocate sr.70379

+1cc to Government Pleader sr.70641

W.P.No.22686 of 2017

skv(co)

ss(5/10/2017)



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