

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-07-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.15304 of 2017 and
WMP.No.16594 of 2017

Mugamathu Katti

... Petitioner

-Vs-

1.The Director,
Higher Education Department Directorate,
Chennai.

2.The Chief Educational Officer,
Office of the CEO
Thiruvavur.

3.Mohammed Yasin,
Correspondent,
Rahmad Matriculation School
Abdul Kasim Nagar,
Muthupet,
Thiruvavur District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the third respondent to not to interfering in pursuing 4th standard of the petitioner's daughter 2017-2018 academic year in third respondent school pursuant to the petitioner notice dated 30.05.2017.

For Petitioner : Mr.K.Thenrajan

For Respondents : Mr.V.Anandhamoorthy
(For R1 and R2)
Additional Government Pleader
Mr.G.Sankaran, (For R3)

O R D E R

The petitioner's daughter Naushila is studying in IV standard in the academic year 2017-2018 in the third respondent/School. Though the petitioner paid the required fees of Rs.13,630/- to the third respondent/School, the third

respondent/School is not permitting the petitioner's daughter to attend the classes and they are insisting the petitioner to get transfer certificate for his daughter on the ground that the petitioner harassed and abused the lady staff of the third respondent/School. Therefore, the petitioner sent a notice on 30.05.2017 to the third respondent not to prevent the petitioner's daughter from attending the class. However, no action has been taken. Therefore, the petitioner has come before this Court.

2. Heard, Mr.K.Thenrajan, learned counsel appearing for the petitioner, Mr.V.Anandhamoorthy, learned counsel appearing for the first and second respondents and Mr.G.Sankaran, learned counsel appearing for the third respondent.

3. It is evident that the petitioner's daughter is studying in the IV standard and he has also paid the required fees to the third respondent/School, as evident from the receipt dated 24.05.2017. At the same time, this Court cannot ignore the allegation made by the third respondent/School that the petitioner is misbehaving and harassing the lady staff of the third respondent/School. Though the third respondent is entitled to give police complaint, the third respondent by way of reply dated 08.06.2017, has stated that it did not want to precipitate the issue and therefore, no police complaint was given. Taking into consideration, the school is a girls School and most of the staff are lady staff and considering the allegation made against the petitioner, it is appropriate to direct the petitioner not to visit the School. He has also filed an affidavit expressing unconditional apology before this Court on 18.07.2017. The appropriate paragraph in the said affidavit is extracted hereunder:

"2. I submit that it was alleged by the 3rd respondent that for the past 3 years I was used hard words against the staffs which caused pain and mental distress to them. Further it was alleged that I was used harsh words and false things which caused mental distress to staffs and head master of the 3rd respondent school, ***for which** I am tendering my unconditional apology to the 3rd respondent school.

3. I submit that I undertake that in future I will not indulge in any kind of activities which will cause mental distress and paid to any of the staffs, members, teachers of the 3rd respondent school."

4. Since the petitioner has filed an affidavit expressing apology, the third respondent has consented to permit the petitioner's daughter to continue her studies. For the wrong

committed by the petitioner, the child should not be unnecessarily harassed. The School has also sent a letter on 10.07.2017, asking the petitioner to send his daughter to attend classes.

5. Therefore, this writ petition is disposed of, recording the unconditional apology tendered by the petitioner to the School and also the undertaking given by the third respondent/School that they will permit the petitioner's daughter to continue her studies. In case of any violation, it is always open to the third respondent/School to bring it to the notice of this Court and also to file a re-open petition. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar(CS III)
Dated: 02.08.2017

***Corrected as per order
of this court dated 17.08.2017
sd/- Assistant Registrar(CS III)
Dated: 24.08.2017.**

/true copy/

Sub Asst. Registrar

To

1.The Director,
Higher Education Department
Directorate,
Chennai.

To be substituted the order
already despatched on
03.08.2017.

2.The Chief Educational Officer,
Office of the CEO
Thiruvavur.

+1cc to Mr.K.Thenrajan,Advocate sr.50573

+1cc to Mr.G.Sankaran,Advocate sr.50428

+1cc to Government Pleader sr.50931

W.P.No. 15304 of 2017

gj(co)
ss(2/8/2017)
VR(24/08/2017)