

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2017

CORAM :
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN**WP.No. 19701 of 2017**

Subetha

...

Petitioner

Vs

1.The Director,
Directorate of School Education,
Nungambakkam, Chennai - 600 008.2.The District Educational Officer (South),
Dr. Ambedkar Government Higher
Secondary School Campus Ground Floor,
Egmore, Chennai - 600 008.3.The Correspondent,
Gundur Subbaiah Higher Secondary School,
T.Nagar, Chennai - 600 017.

... Respondents

Writ Petition is filed under article 226 of the Constitution of India for issuing Writ of Mandamus directing the respondents not to restrain the petitioner's daughter Jenifer from continuing her 12th standard in 3rd respondent's school pursuant petitioner's representation dated 21.07.2017.

For Petitioner : Mr.K. Thenrajan

For Respondents : Mr. P. Senthilvel,
Government Advocate (for R1 & R2)
Mr. V.S.Jagadeesan (for R3)

ORDER

The petitioner's daughter Jenifer is undergoing Higher Secondary Course in the third respondent school. It is stated that the petitioner's daughter went to school, she was kidnapped by the petitioner's relative one Tarjon on 01.07.2017. Since the petitioner was away in Singapore, the petitioner's mother, who is the grandmother of the student gave complaint to the Inspector of Police, E-3, Teynampet and case has been registered subsequently. The grandmother of the student filed HCP.No.438/2015 before this Court and pursuant to the same, the petitioner's daughter was secured and accused was remanded judicial custody.

2.While that being so, when the petitioner's daughter went to the third respondent/School, the school authorities refused to allow the petitioner's daughter to continue the +2 course and compelled her to get transfer certificate. In this regard, the petitioner sent a representation on 01.07.2017 and so far, the respondent have not taken any action and hence, the petitioner has approached this Court by way of the present writ petition.

3.Heard Mr.Thenrajan, the learned counsel appearing for the petitioner, Mr.P.Senthilvel, learned Government Advocate appearing for 1st and 2nd respondents and Mr.V.S.Jagadeesan, learned counsel appearing for the third

respondent.

4. When this Court insisted the third respondent/school to admit the petitioner's daughter, it is submitted by the third respondent that after the petitioner's daughter went missing, the petitioner along with her mother created ruckus before the school and abused the management as well as staff, thereby damaging the name of the third respondent/school. Therefore, it is contended that if the student is allowed to continue the education, other students will also would be tempted to follow the activity of the petitioner's daughter such as kidnapping/elopeing and there is likelihood of spoiling the future of other students. Though the said contention is justified, taking into consideration of the teenage phase the student is undergoing, this matter has to be decided with compassion. The circumstance of the case is that the father is not living with the child and the mother is also away in Singapore, due to employment and the only guardian is grandmother. No doubt, it is very difficult to bring up the child even when both the parents are with the child. When such is the position, the circumstance under which the petitioner's daughter is placed could be understood.

5. In any event, the petitioner filed an affidavit expressing apology for the conduct of herself and her mother in abusing and shouting at the school authorities and the staff. Further, in the undertaking affidavit they have stated

that if the petitioner's daughter is involved in any act other than those connected with education, they would not blame the third respondent/school. The said affidavit is enough to safeguard the interest of the third respondent.

6.In view of the aforesaid affidavit filed by the petitioner, the third respondent has to admit the petitioner's daughter in the School and allow her to continue the 12th standard and complete the course. With the above directions this petition is dismissed. No costs.

17.08.2017

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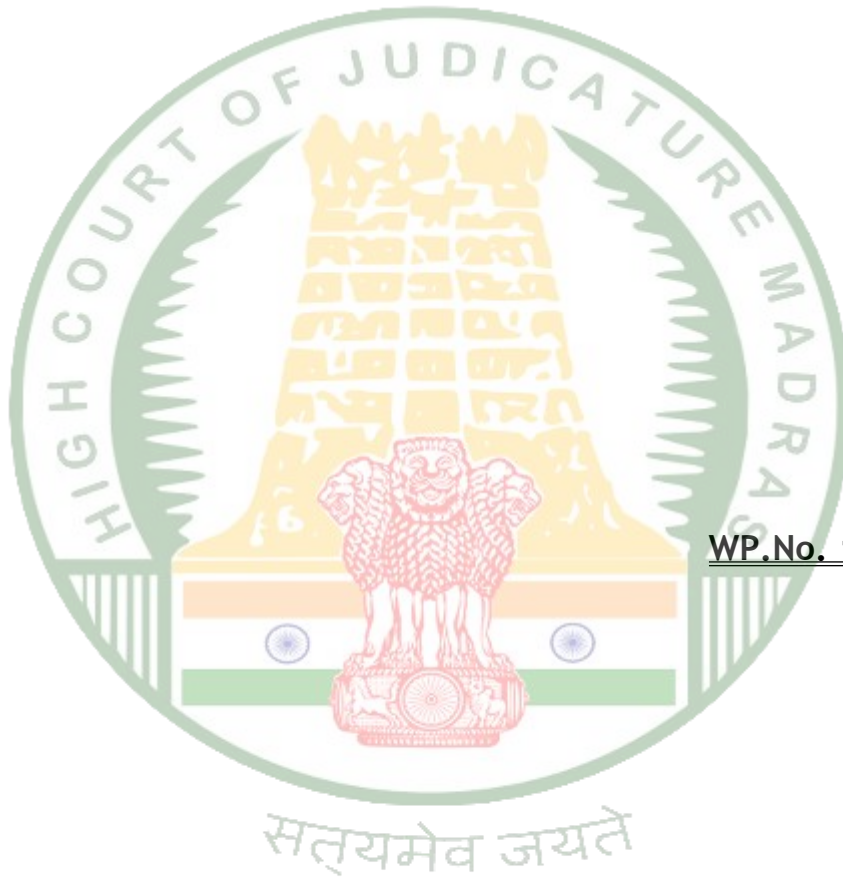
To

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N.KIRUBAKARAN, J.
sai



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