

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition No.8413 of 2018
and W.M.P.No.10369 of 2018

Minor M.P.Dharshan,
Aged about 10 years,
Represented by his Mother and Natural Guardian,
G.Preshenthi.

... Petitioner

Vs.

1. The Chairperson,
The National Commission for Child Rights,
5th Floor, Chanderlok Building,
36, Janpath, New Delhi - 110 001.
2. The Chairperson,
The Tamil Nadu Commission for Child Rights,
183/2, Periyar EVR Road,
Poonamalli High Road,
Kilpauk, Chennai - 600 010.
3. M/s.Rishs International School,
Represented by its Principal Mrs.Uma
functioning at No.16/2A,
Kundrathur Main Road,
Mangadu, Chennai - 600 122.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to take necessary steps to re-admit the petitioner herein in the 3rd respondent School.

For Petitioner : Mr.A.Sikkandar
For 1st Respondent : Mr.G.Karthikeyan
For 2nd Respondent : Ms.V.Annalakshmi
Government Advocate
For 3rd Respondent : Mr.T.Balaji

- - - - -

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondents to take necessary steps to re-admit the petitioner herein in the 3rd respondent School.

2. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the petitioner is not in a position to pay the fees to the 3rd respondent/School and for non-payment of fees, the School is not issuing Transfer Certificate.

3. The learned counsel appearing for the third respondent would submit that the averments made by the petitioner are not correct and in fact, even without receiving the tuition fee, the student was asked to come to attend the classes, but the student did not attend the classes regularly. He has got instruction to state before this Court that without receipt of any fees, they are willing to hand over the Transfer Certificate as requested by the parents of minor child.

4. In view of the above submissions made by the third respondent, the learned counsel for the petitioner stated that the Transfer Certificate may be handed over to the petitioner.

5. As the student has not taken up 5th standard class, the School shall be permitted to give the Transfer Certificate with regard to completion of 4th standard or incompleteness of 5th standard, as the case may be.

6. The student was not prevented from attending the classes and writing exams. However, the student did not appear in the examinations and that, at the request of the petitioner, the Transfer Certificate shall be given as if the student has passed the 4th standard class or incomplete in 5th standard.

Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

asi

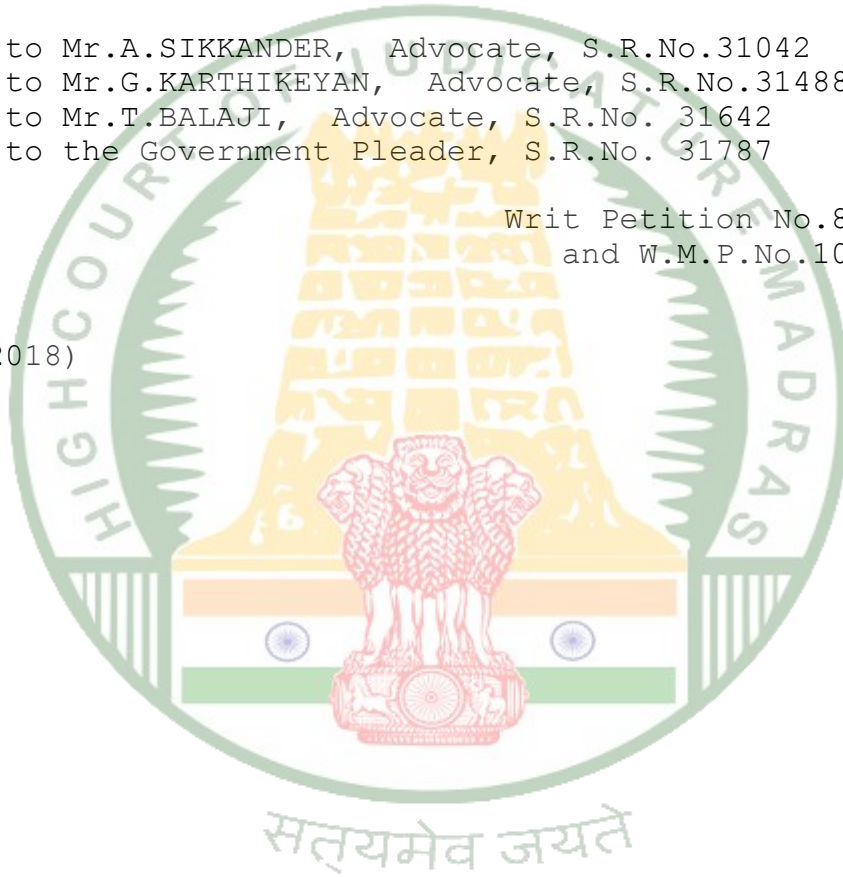
To

1. The Chairperson,
The National Commission for Child Rights,
5th Floor, Chanderlok Building,
36, Janpath, New Delhi - 110 001.
2. The Chairperson,
The Tamil Nadu Commission for Child Rights,
183/2, Poonamalli High Road,
Chennai - 600 010.

+2cc to Mr.A.SIKKANDER, Advocate, S.R.No.31042
+1cc to Mr.G.KARTHIKEYAN, Advocate, S.R.No.31488
+1cc to Mr.T.BALAJI, Advocate, S.R.No. 31642
+1cc to the Government Pleader, S.R.No. 31787

Writ Petition No.8413 of 2018
and W.M.P.No.10369 of 2018

TR(11/05/2018)



WEB COPY