



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.10.2018

CORAM
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.21493 of 2018
and W.M.P.No.25235 of 2018

Minor.P.Sanjay Prakash,
represented by his father D.Prakash

... Petitioner

Versus

- 1.The Directorate of School Education,
College Road,
Nungambakkam,
Chennai-600 034.
- 2.The Principal Education Officer,
Thiruvallur District,
Thiruvallur.
- 3.The District Education Officer,
Ponneri Education District,
Ponneri 601 204.
- 4.The Collector,
Thiruvallur District,
Thiruvallur.
- 5.St.Mary's Matric Higher Secondary School,
Arambakkam,
Gummidipoondi Taluk,
Thiruvallur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, directing the respondents 1 to 4 to permit the petitioner to continue and attend XII i.e. Plus two classes in 5th respondent school and not to issue Transfer Certificate by 5th respondent.

For Petitioner : Mr.R.Chellamuthu

For R1 to R4 : Mrs.V. Annalakshmi, GA

For R5 : Mr.Xavior Arulraj, Sr.Counsel



O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents 1 to 4 to permit the petitioner to continue and attend the class XII standard (+12 Class) in the fifth respondent school and not to issue transfer certificate by the fifth respondent.

2 The petitioner is a student studying in fifth respondent school after passing 11th standard exam in May 2018. The petitioner was not permitted to continue his education in the fifth respondent school for reasons which need not be elaborated at this stage in this Writ petition in view of the decision based on the consent of both the petitioner and fifth respondent institution.

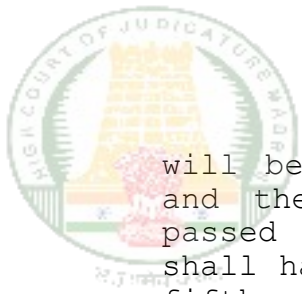
3 The learned senior counsel appearing for the fifth respondent has pointed out that the student was dismissed from the school by an order. However, considering the nature of the grievance of the student and to avoid any embarrassment to the institution as well as the student, it is suggested by the learned senior counsel appearing for the fifth respondent that the petitioner may continue his studies in some other school and the fees of the petitioner would be paid by the fifth respondent institution.

4 The learned senior counsel also agreed that the order of dismissal passed against the student will be withdrawn, in case, the petitioner undertakes to pursue his studies in some other school.

5 The learned counsel appearing for the petitioner took time to get further instruction from the petitioner's parents. Accordingly, today the matter is posted. It appears that the student could not get admission in any other school despite, hectic efforts being made not only by the petitioner but also by the fifth respondent. Hence, the petitioner is now decided to join a tutorial. According to the petitioner, the fees structure of the institution where the petitioner proposed to continue his studies is Rs.5,000/- per subject and it comes to Rs.30,000/- for all subjects and this sum is required from the institution towards tuition fees. The learned senior counsel appearing for the fifth respondent agreed to pay the said a sum of Rs.30,000/- directly to the tutorial concerned .

6 The learned counsel for the petitioner has agreed to this course and by mutual consent, this Writ Petition is disposed of with the following directions:-

(a) The undertaking given by the learned senior counsel appearing for the fifth respondent that a sum of Rs.30,000/-



will be paid directly to the Brilliant Tutorial, Gummidipoondi and the further undertaking to withdraw the dismissal order passed against the petitioner are recorded. The petitioner shall have no further claim as against the fifth respondent. The fifth respondent shall also give transfer certificate to the petitioner without any negative remarks against the petitioner about his conduct.

(b) Since this order is passed by consent, this cannot be a precedent in future. No costs. Consequently, connected Miscellaneous petition is also closed

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rp1/mpa

To

1.The Directorate of School Education,
College Road,
Nungambakkam,
Chennai-600 034.

2.The Principal Education Officer,
Thiruvallur District,
Thiruvallur.

3.The District Education Officer,
Ponneri Education District,
Ponneri 601 204.

4.The Collector,
Thiruvallur District, Thiruvallur.

+2ccs to M/s.Father Xavier Associates, Advocate, S.R.No.68395
+1cc to Mr.R.Chellamuthu, Advocate, S.R.No.68357
+1cc to the Government Pleader, S.R.No.68859

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RR(CO)

rrs 26/11/2018