

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 3732 of 2019**

Kumari Arshanjum D/o Moinudin Quraishi Aged About 12 Years Minor, Through Her Father Moinudin Quraishi, S/o Late Shri S. Quraishi, Aged About 43 Years, R/o A-4, Mitan Vihar Near To Harsh Vihar Daldal Seoni, Tahsil And District Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary Department Of School Education Mantralaya, Capital Complex, Nawa Raipur, Chhattisgarh
2. District Education Officer, Pension Bada, Tigore Nagar, Tahsil And District Raipur, Chhattisgarh
3. N.H. Goel World School Through Director Administration Shri S.K. Tomar, N. H. Goel World School, Gram Nardaha, Tahsil And District Raipur, Chhattisgarh

----Non-applicant

For Petitioner	:	Mr. Rahim Ubwani, Advocate
For State	:	Ms. Ishwari Ghritlahare, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/10/2019**

1. The present writ petition has been filed seeking for an appropriate direction to the respondents for releasing of the transfer certificate and marksheet of the previous academic year of the petitioner enabling her to keep admission in a different school.
2. Perusal of the record would show that the marksheet and the transfer certificate have been withheld on account of non-clearance of the dues on the part of the petitioner. The petitioner having undertaking her education from a particular school in a particular academic year is required to comply with the requirement of payment of fees for the studies that she has undertaken. The counsel for the petitioner submits that the school authorities have already filed a civil suit against the petitioner for recovery of fees.

3. This Court is of the opinion that in case if such writ petition would be entertained, it would give rise to a Pandora box where the possibility of other students pursuing their studies can also stop paying fees to the school authorities and after the academic session they may seek transfer certificate and the marksheet for the previous year with an intention of getting admission in a different school.
4. Once when the parents put their child to a school particular in a private school, they have supposed to know the fact that they would be required to pay the fees as fixed by the school authorities. Knowingly if the parents get the child admitted, it is expected of the parents to ensure that the fees of the school authorities are paid regularly. In case of any default, the parents have a right to approach the authorities explaining the bonafide condition, under which the fees could not be deposited and thereafter it is for the school authorities to consider whether the parents can be granted any concession or exemption from depositing of the tuition fees.
5. In the absence of any such steps being taken by the petitioner, this Court finds it difficult to issue any direction to the respondent No.3 for release of the marksheet as well as the transfer certificate.
6. The writ petition thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge