

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.28068 of 2019

A.K.Periyasamy

... Petitioner

/versus/

1.The Secretary to Government,
Education Department,
Fort St.George,
Chennai-600 009.

2.The Director,
Directorate of Matriculation Schools,
Chennai-600 006.

3.The District Education Officer,
Egmore, Chennai-600 008.

4.The Principal,
St.Vincent Matriculation School,
No.24, Railway Colony 4th Street,
Aminjikarai, Chennai-600 029.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, directing the respondents 1 to 3 herein to take appropriate action against the 4th respondent herein, to issue the transfer certificate of the petitioner's children, within the stipulated period.

For Petitioner : Mr.P.Palanisamy

For Respondents : Mr.C.Munsamy, Spl.G.P (Edn)

O R D E R

The petitioner herein is the father of the two minor children studying 12th standard and 6th standard. The petitioner has sought for transfer certificate of these two minor children in view of admitting them at Karur, where he presently residing.

2. However from the affidavit, this Court finds that there is matrimonial dispute between the petitioner and his wife and the children are in the custody of his wife.

3. In the said circumstances, when the petitioner sought for TC from the 4th respondent School for these two minor children, they have rightly directed him to approach the Court and get order. Unfortunately, the petitioner has misunderstood the instructions of the 4th respondent, he has approached this Court by filing a writ petition. The custody of the child can be decided only by the competent Court, where the matrimonial proceedings is pending. Best interest of the child to be considered by the Court and after appreciating the material facts placed before the Court by waring spouse as well as minor children, order can be passed.

4. Hence, the writ petition is disposed with liberty to the petitioner herein to approach the Court, where the matrimonial proceedings is pending and seek custody of the children. Thereafter, the petitioner shall take appropriate decision of shifting the children to some other educational institution. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

rpl
To

1.The Secretary to Government,
Education Department,
Fort St.George, Chennai-600 009.

2.The Director,
Directorate of Matriculation Schools,
Chennai-600 006.

3.The District Education Officer,
Egmore, Chennai-600 008.

+1cc to the Government Pleader Sr.84010
+1cc to Mr.P.Palanisamy, Advocate Sr.83474

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srg 24/10/2019