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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

**W.P. (MD) No.9396 of 2019**

C.Bommi Jeba Thomas

... Petitioner

Vs

1.The Commissioner,  
Kendriya Vidyalaya Sangathan,  
No.18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi-110016.

2.The Deputy Commissioner,  
Kendriya Vidyalaya Sangathan,  
Regional Office,  
IIT Campus,  
Chennai-36.

3.The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Regional Office,  
IIT campus,  
Chennai-36.

4.The Principal,  
Kendriya Vidyalaya,  
Cecri Campus Karaikudi,  
Sivagangai District.

5.M.P.Arunraja Singh

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the fourth respondent herein to issue the Transfer Certificates to the petitioner's minor children namely 1.A.Aakashraja Singh (6<sup>th</sup> Standard) 2.A.Angelina Sweety(3<sup>rd</sup> standard) to the petitioner based on the petitioner's representation dated 08.04.2019 within a time stipulated by this Court.

For Petitioner : Mr.L.Shaji Chellan

<https://hcservices.courts.gov.in/hcservices> For R1/R2/R3/R4 : Mr.E.T.Rajendran

For R5 : No appearance

**ORDER**

Heard the learned counsel for the petitioner and the learned counsel for respondents 1 to 4. Though notice was served on the fifth respondent and his name has been printed in the cause list, he has not chosen to appear either in person or through counsel.

2.The writ petitioner got married to the fifth respondent Arunraja Singh in the year 2006. Two children Aakashraja Singh and Angelina Sweety were born through the said marriage. The children are presently studying in the fourth respondent school. The writ petitioner has developed some difference of opinion with the fifth respondent.

3.This Court does not want to go into the said dispute beyond a point. The fact remains that the writ petitioner has separated from the fifth respondent. Incidentally the fifth respondent is working as a Vice Principal in the fourth respondent school itself. The petitioner has made some serious allegations against the fifth respondent. The children are now only with the writ petitioner, who is their mother. The writ petitioner wants to take the children out of the fourth respondent school and admit them in Kendriya Vidyalaya, Madurai. Since the fifth respondent is also employed in the fourth respondent school, the fourth respondent is not issuing Transfer Certificate. Hence, this writ petition came to be filed.

4.Since interest of the children is involved, this Court directed the appearance of the writ petitioner in person along with the children. This Court had a conversation with the children. This Court is satisfied that the children want to be with the mother and pursue their education in some other school. In other words, they want to come out of the fourth respondent school.

5.Therefore, this Court directs the fourth respondent to issue the Transfer Certificate and other certificates pertaining to the petition mentioned children. The certificates will be handed over to the writ petitioner. It is for the writ petitioner to apply for admission in Kendriya Vidyalaya, Madurai in the prescribed format. This Court makes it clear that the transferee institution will not insist on the signature or consent from the fifth respondent for admitting the children in their institution.

6.This writ petition is allowed accordingly.

7.It is made clear that these observations are made only for the purpose of granting relief in this writ proceedings. They will not operate to the prejudice to the fifth respondent in any other proceedings that may be initiated by the writ petitioner against him or in the proceedings that may be initiated by him against the writ



petitioner. In other words, the petitioner will not take advantage of the observations made in this order against the fifth respondent in any other proceedings. No costs.

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Sd/-

Vacation Officer

// True Copy //

Sub Assistant Registrar(CS)

+2cc to Mr.E.T.RAJENDRAN, Advocate, SR.No.65663,65497

+1cc to Mr.L.SHAJI CHELLAN, Advocate, SR.No.65662

**W.P. (MD) No. 9396 of 2019**

**PNN**

**KK/SAR/10.05.2019/ 3P- 4C**

**08.05.2019**