



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.12978 of 2019

B.Senthilkumar

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The District Educational Officer,
The District Education Office,
Tirumangalam, Madurai District.

3.The Chief Educational Officer,
Chief Education Office,
Tallakulam, Madurai District.

4.The Principal
Dolphin Matriculation Hr. Sec. School
Ponmeni, Madurai District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 4th respondent to issue the transfer certificate to the petitioner's children S.Neevshree and S.Dashwan within a stipulated time fixed by this Court.

For Petitioner : Mr.V.A.Dhana Aravindh Balaji
for M/s.Dhana Law Associates

For Respondents : Mr.M.Rajarajan for R1 to R3
Government Advocate
Mr.S.Natesh Raja for R4

ORDER

The prayer sought for in this writ petition is for a writ of mandamus to direct the fourth respondent to issue transfer certificate to the petitioner's children.

2. Heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 to 3 and the learned counsel for the fourth respondent.

3. The grievance of the petitioner is that, both the children of the petitioner, ie., daughter and son are studying 7th and 5th standards at the fourth respondent School respectively. For the academic year 2018-19, both of them have been promoted for the



next higher classes.

4. Since the petitioner wanted his children to admit in some other school, he approached the fourth respondent School to get the Transfer Certificate, which was refused. Therefore, the petitioner has moved this writ petition with the aforesaid prayer.

5. On instructions, the learned counsel for the fourth respondent submitted that, on 20.02.2019 well in advance, a circular has been issued by the fourth respondent, under which, it has been informed to the parents clearly that, whoever wants to take transfer certificate for their children, for the academic year 2019-20, can immediately apply, well before April 2019, so as to enable the School to make arrangements, for the next academic year, 2019-20 for school uniforms, sports materials, which are compulsory in nature to every student studying in their school and for which, initially, the amount would be invested by the School and thereafter, it would be reimbursed by the parents to the School.

6. Pursuant to the said circular, dated 20.02.2019, according to the learned counsel for the fourth respondent School, more than 50 parents applied for transfer certificate well in advance and they have obtained the transfer certificates. As far as the petitioner is concerned, throughout the period given by the fourth respondent to apply for transfer certificate, the petitioner did not make any application, for which, on 31.05.2019, he personally came to the School and demanded for transfer certificate for his two children. By the time, the school uniforms for both the children have been stitched and the sports materials have been arranged and purchased. Therefore, it seems that, the fourth respondent School, because of the belated approach of the petitioner in getting the transfer certificate for his children, had to incur the expenses towards uniform and sports materials for both students, which come around Rs.4,000/- each roughly and totally, it comes to Rs.8,000/- and if the said sum is reimbursed by the petitioner, the fourth respondent does not have any objection in giving the transfer certificate, it is contended.

7. However, the learned counsel for the petitioner would submit that, in the first week of May 2019 itself, the petitioner approached the fourth respondent School and demanded the transfer certificate. He further submitted that, though from the first week of May 2019 onwards, the petitioner is insisting upon the school to give transfer certificate, the same has not been given by the fourth respondent. Hence, he seeks indulgence of this Court.

8. Be that as it may, now, the controversy is in a very narrow campus. The only objection from the fourth respondent School is with regard to the reimbursement of the amount already spent by the School for the children for stitching the uniforms as well as purchase of sports materials and if the said amount is reimbursed, the fourth respondent school does not have any objection in issuing



the transfer certificate.

9. However, the learned counsel for the petitioner would submit that, the petitioner may not be in a position to make huge payment in the name of uniforms or sports materials.

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10. I have considered the said submissions made by both sides.

11. Having regard to the factual matrix of the case, as has been projected by the learned counsel for both the petitioner as well as the fourth respondent and after giving my anxious consideration to the issue and in order to give a quietus to the issue, having in mind the welfare of the two children, as they have to go for next higher classes, this Court is inclined to issue the following directions:

(1) Let the petitioner submits a formal application in writing requesting the fourth respondent School to issue the transfer certificate immediately and on receipt of such application from the petitioner, the fourth respondent School shall provide the transfer certificate for both the children of the petitioner;

(2) In this regard along with the application, the petitioner shall make a payment of Rs.4,000/- (Rupees four thousand only) being 50% of the amount already spent by the School towards the stitching of uniforms and purchase of sports materials;

(3) On making the payment by the petitioner, ie., Rs.4,000/-, while giving the transfer certificate to the petitioner for his children, the uniform stitched and the sports materials purchased by the fourth respondent School shall also be handed over to the petitioner;

(4) The needful as directed above shall be completed by the fourth respondent within a period of one week from the date of receipt of such application from the petitioner with the necessary amount, as directed above.

With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(T & P)

// True Copy //

Sub Assistant Registrar(CS)

RR

To

1.The District Collector,
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2.The District Educational Officer,
The District Education Office,
Tirumangalam, Madurai District.



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TR (11.07.2019) 4P 4C