



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD) No.16018 of 2019

R.Sahadevan

... Petitioner

Vs.

1.The District Educational Officer,  
Madurai District.

2.The Assistant Educational Officer,  
Usilampatti, Madurai District.

3.The Correspondent

Jeyaseelan Memorial Matriculation Higher Secondary School  
Muthupandipatti, Theni Main Road,  
Usilampatti, 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 3<sup>rd</sup> respondent to return the transfer certificate and mark sheets of the petitioners children namely, S.Jothimeena and S.Rajakumaran, forthwith by considering the petitioner representation dated 08.06.2019 within a time stipulated by this Court.

For Petitioner  
For Respondents

: Mr.K.Chengiz Khan  
:Mr.Karuppasamy for R1 & R2  
Government Advocate  
Mr.M.Mohamed Rafi for R3

### ORDER

The prayer in the Writ Petition is for a Writ of Mandamus to direct the 3<sup>rd</sup> respondent to return the transfer certificate and mark sheets of the petitioner's children, namely, S.Jothimeena and S.Rajakumaran, forthwith by considering his representation dated 08.06.2019.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1 and 2 and the learned counsel for the third respondent.

3. When the case came up for hearing, on 29.07.2019, this



Court passed the following order:

"The learned counsel for the third respondent submits that, the necessary certificates, as has been sought for by the petitioner for his wards, would be handed over to the petitioner, if he appears in person on 30.07.2019 before the third respondent School.

Recording the said submission, post this matter, on 31.07.2019, "for reporting compliance".

4. Pursuant to which, today, when the case is taken up for hearing, the learned counsel for the petitioner filed the following memorandum, which reads thus:

"The writ petition listed for hearing on 29.07.2019 and this Hon'ble Court directed the 3<sup>rd</sup> respondent to return the petitioner children's school transfer certificate and mark sheets on or before 30.07.2019. As per the direction the petitioner went to the 3<sup>rd</sup> respondent School on 30.07.2019 at 10.30 a.m. The 3<sup>rd</sup> respondent also returned the Transfer Certificate and Mark Sheets to the petitioner and they also made endorsement for the same. Hence, I am filing this memo to this effect."

5. In view of the above, the learned counsel for the petitioner submits that, all the certificates, which were pending with the third respondent School, had been handed over to the petitioner on 30.07.2019. Therefore, in that regard, the petitioner cannot have any grievance.

6. However, the learned counsel for the third respondent would submit that, as directed by this Court, the entire certificates have been given to the petitioner and the certificates have not been purposely retained by the third respondent School. Since the petitioner did not turn up, the certificates had not been given.

7. Be that as it may, now the main issue in the writ petition has been resolved. Insofar as the plea raised by the third respondent that, still the petitioner has to pay the fee arrears payable to the third respondent School, is concerned, it is open to the third respondent to agitate the issue for recovery of the fees, if any due payable by the petitioner, by approaching the appropriate forum in the manner known to law.

8. In that view of the matter, since the prayer sought for herein has been accomplished, no further order is required to be passed in the writ petition. Therefore, recording the aforesaid



WEB COPY

W.P.(MD) No.16018/2019

developments, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The District Educational Officer,  
Madurai District.

2.The Assistant Educational Officer,  
Usilampatti  
Madurai District.

+1 CC to M/s.SPL GP ( SR-79231[F] dated 01/08/2019 )

+1 CC to M/s.M.MOHAMED RAFI, Advocate ( SR-79248[F] dated  
01/08/2019 )

RR

**W.P. (MD) No.16018 of 2019**  
**31.07.2019**

\_KM/ (09.09.2019) 3P 5C