

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 24.07.2020	Delivered on 30.07.2020
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CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3862 of 2020

and

WMP Nos.6459 & 9479 of 2020

Sima Kumari

.. Petitioner

.Vs.

1. The Commissioner
Kendriya Vidyalaya Sangathan,
No.18, Institutional Area, Shaheed Jeet Singh Marg,
New Delhi - 110 016.
2. The Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, IIT Campus,
Tamilnadu,
Chennai - 600 036.
3. The Principal,
Kendriya Vidyalaya, AF Station. Sulur,
Coimbatore, Tamil Nadu - 641 401.
4. The Chairman (Air Officer Commanding),
Vidyalaya Management Committee (No.43 Wing, Air Force),
KV, Air Force Station, Sulur, Coimbatore,
Tamil Nadu - 641 401.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of declaration, declaring the 'Transfer Certificate' Sl.No.02340, issued to Mudit Kumar Singh & 'Transfer Certificate' Sl.No.02339, issued to Udit Kumar Singh, both dated 17.12.2019, issued by the 3rd respondent and counter signed by the 4th respondent as null and void, consequently, directing the respondents to admit both son of the petitioner, namely, Mudit Kumar Singh, aged about 15 years & Udit Kumar Singh, aged about 13 years, into class XI & IX respectively.

For Petitioner : Mr.AQ.Choudhury

For R 1 to R 3 : Mr.M. Vaidhiyanathan

ORDER

This writ petition has been filed challenging the Transfer Certificate issued by the 3rd respondent school and for a consequential direction to the respondents to re-admit the children of the petitioner to the 3rd respondent school.

2.The case of the petitioner is that her children are studying in the 3rd respondent school. It is seen that right from the beginning, there has been a lot of misunderstanding between the school management and the parents of the ward. Several such instances have been cited in the affidavit and this Court does not want to go into all those details. Ultimately, a Transfer Certificate came to be issued to the children of the petitioner with the "conduct" column marked as "not satisfactory". Aggrieved by the same, the present writ petition has been filed before this Court.

3.When this writ petition was pending, this Court permitted the children to only write the examination subject to result of the writ petition.

4.The 1st respondent had filed a counter affidavit. A reading of the counter affidavit shows that right from the year 2016 onwards, numerous incidents had taken place and the same continued upto December 2019. One of these incidents was where the father of these students, an officer serving in the Indian Air Force, barged into the school and created a ruckus. That apart, a criminal complaint also came to be given against the Principal of the school accusing him for having committed an offence under the POCSO Act, 2012. This complaint was investigated and ultimately the police found that it was a false complaint and therefore a closure report was filed before the concerned Court. The 3rd respondent thought it fit to put an end to this and therefore, decided to issue Transfer Certificates to the wards of the petitioner.

5.It was brought to the notice of this Court that even though this Court had granted permission to the students to write the examination, they had not taken up the examination and

that they entered the school without their uniform, dressed in a civil attire and thereafter left the school premises for reasons best known to them.

6.The learned counsel for the petitioner submitted that the children of the petitioner do not want to continue their education in the same school and that the 3rd respondent school must be directed to issue a fresh Transfer Certificate after removing the adverse remarks made against them on the "conduct" column of the said Certificates.

7.The learned counsel appearing on behalf of the respondents submitted that the parents and their wards being students of the school, humiliated the Principal, class teacher and their fellow students right through and that it went to the extent of the father of the students entering into the school and causing an affray which resulted in initiation departmental proceedings against him.

8.This Court has intentionally kept away from going into the various allegations that have been made against the students and their father since the same will affect their future. It can be seen that the students had gone overboard probably due to the instigation of their parents. Under normal circumstances, this Court would show more leniency when it comes to young students since every person must be given an opportunity to mend themselves. Condemning a young person for certain acts which are considered to be wrong and not giving them an opportunity to change, may result in destroying their future. However, in the facts of the present case, the students have gone to the extent of giving a false complaint against the Principal of the School for an offence under the POCSO Act and it seems that the same was also published in the media. Making allegations against the Principal for an offence under the POCSO Act, involves very serious consequences and the same can result in tarnishing the image of the Institution. Even though the closure report has been filed in the criminal case, the reputation of the Principal and the school has taken a severe beating. To a great extent, the act perpetrated by the students and their parents also involved moral turpitude.

9.If such acts are condoned, it will destroy the morale of the School and it will set a very bad precedent and other students may get an impression that they can get away easily with any illegal acts. This Court does not want to show any misplaced sympathy more particularly considering the peculiar

facts of the present case.

10.This Court does not find any ground to interfere with the Transfer Certificate issued by the 3rd respondent school and any school would have responded in the same way, had they been placed under similar circumstances.

11.Having said so, the age of the students which is 15 years and 13 years respectively, is really bothering the mind of this Court. A cumulative reading of the entire incident that took place in this case clearly points to the fact that the students had acted upon the sustained influence of their parents. The parents who are supposed to set the benchmark for their children have miserably failed as a result of which, the students have landed themselves at this state of affairs. There is a famous saying that "every saint has a past and every sinner has a future". Therefore, a man cannot be condemned forever for having committed some act and more particularly at a very young age. In a case of this nature, this Court has to balance between the interest of the Institution on the one hand and the interest of the students on the other. If this world had not condoned the sin committed by Valmiki, who was once a dacoit and who took to robbery and began looting people, the epic Ramayana would never have seen the light of the day. One of the greatest traits advocated by all religions is forgiveness. Forgiving a young child and providing him/her an opportunity to change themselves may even result in creating a great citizen for the future of this country.

12.In view of the above discussion, even though this Court is not interfering with the decision taken by the 3rd respondent School, this Court wants to give one last chance to the students in question and their parents to repent what they did to the School and the teachers and the fellow students. No doubt, the acts of the parents and students has left a deep scar and it will take some time for the same to heal. Therefore, it is open to the parents and students to give a letter to the 3rd respondent School expressing their genuine apology for whatever has taken place in the past and it will be open to the 3rd respondent to consider the same and decide if they would reconsider changing their remarks on the conduct of the students as stated in the Transfer Certificate. This Transfer Certificate is very important since it is a permanent record which will stay with the students throughout their lifetime. It is possible that the character of the students may be gauged in future by placing reliance upon the Transfer Certificate and at which time the attitude of the students could have completely changed. The 3rd respondent must keep this in mind as and when a

representation/letter is submitted by the parents and students. This Court expects the 3rd respondent to put themselves in the shoes of a parent and empathise with the students while taking a decision and reconsidering the remarks made in the Transfer Certificate

13.This writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS VI)

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Sub Asst. Registrar

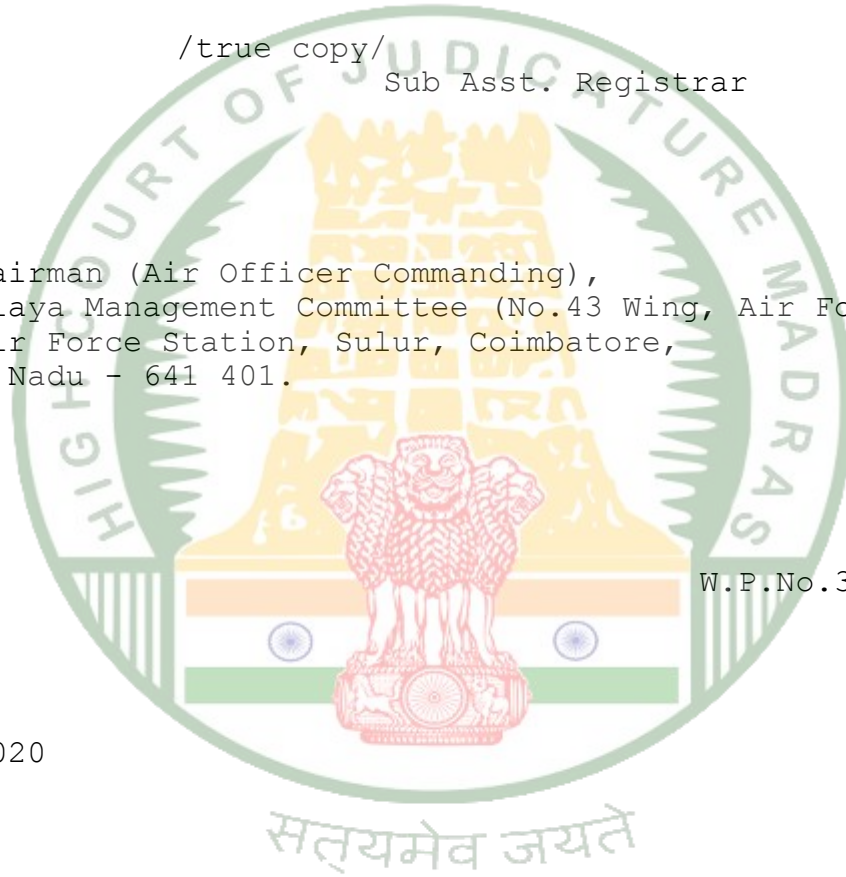
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To

1. The Chairman (Air Officer Commanding),
Vidyalaya Management Committee (No.43 Wing, Air Force),
KV, Air Force Station, Sulur, Coimbatore,
Tamil Nadu - 641 401.

W.P.No.3862 of 2020

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