

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.10.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.13146 of 2020

Mrs.Y Gayathri

.... Petitioner

Vs.

1. The District Collector,
Collector Office,
Chennai 600 001
[R1 Deleted vide order dated 22.09.2020
made in WP No.13146 of 2020 by NAVJ]
2. The Chief Education Officer,
Presidency Girls Higher Secondary School,
Spurtank Road,
Egmore, Chennai 600 008.
3. The Management,
Represented by the Correspondent,
Terapanth Jain Matriculation Higher
Secondary School,
Sowcarpet,
Chennai 600 001.
4. Dhanalakshmi

... Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 06.08.2020 to take necessary action against the 4th respondent and to make arrangement to get XI Standard admission for the petitioner's daughter.

For Petitioner : M/s.R.Pushpalatha

ORDER

It is brought to the notice of this Court that pursuant to the suggestion given by this Court, the petitioner has taken a decision to get a transfer for her daughter from the 3rd respondent school. The petitioner had certain serious misgivings against the 3rd respondent school since according to the petitioner, her daughter was illegally denied admission and she was forced to give an apology letter as a precondition for admitting her in the school. The petitioner had given a complaint in this regard before the 2nd respondent and the same is pending. In the meantime, the School has come forward to file a counter affidavit by making certain allegations against the petitioner and her daughter.

2. When the matter was heard by this Court during the last occasion, this Court suggested that it will not be in the interest of the petitioner's daughter to continue her studies in the 3rd respondent school in such a charged atmosphere. The studies of petitioner's daughter will unnecessarily get affected since the situation is not going to improve and both the parties are going to complain against each other. This Court therefore suggested that the 3rd respondent school can give a Transfer Certificate without making any adverse remarks about the conduct of the petitioner's daughter and the petitioner's daughter can always go and join some other school. Accordingly, the 3rd respondent school has given the Transfer Certificate to the petitioner's daughter.

3. The learned counsel for the petitioner would urge that the complaint given before the 2nd respondent must be permitted to be prosecuted even though the Transfer Certificate has been given by the school.

4. In the considered view of this Court, such continuation of proceedings will only make the position worse and the student instead of concentrating on the studies will be focussing more in fighting against the institution. This will not be in the interest of the student. Therefore, this Court wants to put an end to the entire dispute.

4. In view of the above, the Transfer Certificate issued by the school to the daughter of the petitioner without making any adverse remarks, is hereby recorded. The allegations made in the affidavit filed in support of the Writ petition and the counter allegations made in the counter affidavit filed by the

school against the petitioner and her daughter, shall stand effaced and they will no more survive due to the subsequent developments that has taken place in this case.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Education Officer,
Presidency Girls Higher Secondary School,
Spurtank Road,
Egmore, Chennai 600 008.
2. The Management,
Represented by the Correspondent,
Terapanth Jain Matriculation Higher
Secondary School,
Sowcarpet,
Chennai 600 001.

+1 cc to M/s.R.Pushpalatha, Advocate Sr.No. 35137
+2ccs to M/s.Ralph V. Manohar, Advocate, Sr.No. 35237
+1 cc to The Government Pleader, Sr.No. 35033

W.P.No.13146 of 2020

SAI (CO)
RMP (07/12/2020)

सत्यमेव जयते

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