

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.11.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.15762 of 2020

A.Jayaprathap

... Petitioner

Vs

1.The Chief Educational Officer,
Office of the Chief Educational Officer,
No.58 Old GST Road Chengalpet- 603 001.

2. The Principal / Correspondent
Vaels Ravindra Bharathi Global School,
41-B Medavakkam Main Road, Keelkattalai
Chennai- 600 117.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 2nd Respondent to issue transfer certificate mark statements and conduct certificate to the son of the Petitioner namely J. Charvik without further delay to enable the petitioner to admit his son in another affordable school based on the request made by the petitioner dated 24.07.2020 and on 11.10.2020 herein.

For Petitioner : Mr.M.Purushothaman

For R1 : Mr.C.Munusamy
Government Advocate

For R2 : Mr.Abdul Saleem

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the 2nd respondent/School to issue the transfer certificate and other certificates to the child of the petitioner who is studying in the 2nd respondent/School.

2. Mr.C.Munusamy, learned Government Advocate takes notice for the 1st respondent and Mr.Abdul Saleem, learned counsel takes notice for the 2nd respondent /School.

3. The issue involved in the writ petition is squarely covered by the earlier order passed by this Court in W.P.No.13280 of 2020 dated 23.09.2020.

4. In the above order, this Court had directed the 2nd respondent/School to immediately hand over the transfer certificate and other certificates to the students and not to detain them. This Court further held that if there is any arrears of fees that is due and payable to the school, separate proceedings can be initiated to recover the same and that is not a ground to detain the students and not to issue them the transfer certificate and other certificates. The above said order will squarely apply to the facts of the present case also.

5. In the result, the 2nd respondent is directed to immediately act upon the request made by the petitioner and hand over the transfer certificate and other certificates to the students. If according to the 2nd respondent/School there is any arrears of fees recoverable from the students, it is always open to the 2nd respondent to workout its remedy in accordance with law.

6.This Writ Petition is disposed of with the above directions. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kst
To

- 1.The Chief Educational Officer,
Office of the Chief Educational Officer
No.58, Old GST Road, Chengalpet- 603 001.
2. The Principal / Correspondent
Vael Ravindra Bharathi Global School,
41-B Medavakkam Main Road, Keelkattalai
Chennai- 600 117.

+1 cc to the Government Pleader sr36310
+1 cc to Mr.M.Purushothaman Advocate sr36149

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