

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.12.2020

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.NO.20267 OF 2020

Somesh Datta

... 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 to issue a Writ of Mandamus, directing the 2nd respondent to issue transfer certificate, mark statements, and conduct certificate to the petitioner's sons Subhayan Datta and Soumabho Datta without further delay, to enable the petitioner to admit his sons in another affordable school based on the request made by the petitioner dated 14.12.2020 herein.

For Petitioner : Mr.M.Purushothaman

For R1 : Mr.C.Munusamy,
Special Government Pleader

For R2 : Mr.Abdul Saleem

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O R D E R

I heard Mr.M.Purushothaman, the learned counsel for the petitioner. Mr.C.Munusamy, Special Government Pleader, took notice for the first respondent, and Mr.Abdul Saleem, the learned counsel took notice for the second respondent. By consent, the writ petition was taken up for disposal at the admission stage.

2. The learned counsel for the petitioner pointed out that the subject matter of this writ petition is covered by earlier orders of this Court. In particular, he referred to the order dated 17.10.2019 in WP(MD)No.20726 of 2019 and the more recent order dated 04.11.2020 in W.P.No.15222 of 2020 in respect of the same school.

3. The learned counsel for the second respondent also concurs that this matter is covered by the earlier orders.

4. Upon perusal of the aforesaid orders and on examining the documents on record, I find that the school has neither a statutory nor contractual lien over these certificates. Accordingly, this writ petition is disposed of by directing the second respondent School to hand over the transfer certificate, marks statements, conduct and other certificates to the student concerned within one week from the date of receipt of a copy of this order. As regards arrears of fees, if any, the School is entitled to initiate separate proceedings in respect thereof against the parents of the student. It is also made clear that the arrears of fees should not be indicated on any of the certificates that are handed over to the student. However, it is open to the School to hand over or send a separate communication pertaining to such arrears of fees to the parents of the student concerned. No costs.

Sd/-

Assistant Registrar(Vacation Officer)

//True Copy//

Sub Assistant Registrar

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To

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.

+1cc to Mr.M.Purushothaman, Advocate, S.R.No.43221
+1cc to Government Pleader, in Sr.No.44 (05.01.2021)

W.P.No.20267 of 2020

RSV(CO)
CS/31/12/2020