IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.03.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.7014 of 2021

Karthik Amirthakadesan ... 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

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 son Karan Ananthalakshmi Karthik, without further delay to enable the petitioner to admit his son in another affordable school based on the request made by the petitioner dated 13.12.2020.

For Petitioner ... Mr.M.Purushothaman

For Respondents... Mrs.P.Kavitha,
Government Advocate for R1
Mr.Abdul Saleem
Standing Counsel for R2

WEB COPY

O R D E R

The petition has been filed by the petitioner, seeking for a direction, to direct the second respondent to issue transfer certificate, mark statements, and conduct certificate to the son of the Petitioner, Karan Ananthalakshmi Karthik, without further

https://hcservices.ecourts.gov.in/hcservices/

delay, to enable the petitioner to admit his daughter in another affordable school based on the request made by the petitioner dated 13.12.2020.

2.The grievance of the petitioner is that the 2nd respondent has demanded more fee than the fee prescribed by the fees committee, therefore, the petitioner is intended to get the transfer certificate from the 2nd respondent school and admit his son in another institution, for which, he approached the institution but the 2nd respondent institution has refused to part with the transfer certificate and other documents and also claiming arrears of fee from the petitioner. Therefore, the petitioner has sent a representation to the 1st respondent and thereafter has approached this Court. He would further submit that as against the very same institution, the parents have already approached this court in W.P.No.20265 of 2020 and this Court had also considered the very same issue earlier and passed an order dated 31.12.2020. The relevant portion of the order reads as follows:

> "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.

3.The learned counsel for the petitioner further submitted that this Court had also dealt with the same issue earlier and had passed an elaborate order in W.P.(MD).No.20726 of 2019 vide order dated 17.10.2019, considering the earlier orders of this Court, prior to S.Muthukamatchi's case, another learned Single Judge of this Court in A.John Paul and two others Vs. State represented by the Inspector of Police and another reported in 2012(4) CTC 826.

4.In the light of the aforesaid decision held by this Court in W.P.(MD).No.20726 of 2019 vide order dated 17.10.2019, that the certificates of a student cannot be held back by an Educational Institution citing financial dues and dispositive reasoning of this Court, this Court is inclined to allow this

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

Writ Petition on the following terms:

(a)The second respondent shall issue transfer certificate, conduct certificate, mark sheets, all other certificates and documents necessary for writ petitioner's son viz. Karan Ananthalakshmi Karthik, to pursue his education further, within a week from the date of receipt of a copy of this order;

(b)Writ petitioner and his son shall go to the office of the second respondent and collect the documents under due acknowledgment within a week therefrom;

(c) It is open to the second respondent to file a suit against the writ petitioner if there is any fee balance or arrears and if the first respondent school chooses to do so, the jurisdictional civil court shall adjudicate upon the suit uninfluenced and untrammeled by any observation made in this order.

5.It is made clear that the arrears of fees should not be indicated on any of the certificates that are to be handed over to the student.

6.This writ petition stands allowed accordingly. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

vsi

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.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

+1cc to Mr.M.Purushothaman, Advocate SR.No.17422

+1cc to Government Pleader SR.No.17989

W.P.No.7014 of 2021

AK-II(CO)
GMY(15/04/2021)

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/