

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.04.2021

CORAM

THE HON'BLE MR.JUSTICE R. MAHADEVAN
Writ Petition No.10805 of 2021

R. Shanmuga Sundaram

... 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 under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the 2nd respondent to issue transfer certificate, mark statements and conduct certificate to the petitioner's ward S.Kavish who has completed 6th standard, without further delay, to enable the petitioner to admit her daughter in another affordable school based on the request made by the petitioner dated 21.04.2021 herein.

For Petitioner : Mr. M. Purushothaman

For Respondents : Mr.C. Munusamy,
Spl. Govt. Pleader for R1
Mr.T. Ravindran for R2

O R D E R

The relief sought in this Writ Petition is to issue a mandamus, directing the 2nd respondent to issue Transfer Certificates, Mark Statements and Conduct Certificates to the ward of the petitioner viz., S.Kavish, who has completed 6th standard in the 2nd respondent School.

2. It is the case of the petitioner that contrary to the order passed by the Fee Determination Committee dated 14.12.2015, the second respondent has issued a circular dated 03.02.2020 to all the students, directing them to pay the varying amount of fees, failing which, they would not issue transfer certificates. Due to financial constraints on account of pandemic Covid-19, the petitioner was unable to pay the fees prescribed by the second respondent and hence, he

approached the second respondent and made a request to get the transfer certificates for his children, so as to admit them in another affordable school. Whereas, the second respondent refused to issue transfer certificates and other documents and insisted the petitioner to pay arrears of fees. Finding no other alternative except to approach this Court, the petitioner has filed this writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that this Court has already dealt with the issue involved herein in WP(MD)No.20726 of 2019 and has passed an elaborate order on 17.10.2019, after referring to S.Muthukamatchi's case reported in 2013 (1) CTC 595. The learned counsel further submitted that as against the very same institution, a parent has approached this Court by filing WP.No.625 of 2021, which was allowed on 18.01.2021, following the earlier orders, directing the second respondent to hand over the necessary certificates to the petitioner therein without making endorsement towards arrears of fees on any of the certificates, within a week's time. Therefore, the learned counsel prayed for similar order in this writ petition as well.

4. The learned counsel for the second respondent fairly submitted that the second respondent is now inclined to issue the transfer certificates, mark statements and conduct certificates to the petitioner's wards and hence, there is no objection for granting such relief to the petitioner, in the light of the earlier order of this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side and also following the earlier order dated 18.01.2021 in WP.No.625 of 2021, this Court is inclined to dispose of this writ petition in the same lines.

6. Accordingly, this writ petition stands disposed of, in the following terms:

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

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

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

(iv) 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 students.
No costs.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

To

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

+1cc to Mr.M. Purushothaman, Advocate SR.No.26883

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ssd (CO)
A.SK(22.06.2021)



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