

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No.11774 of 2021

B.Neela Bajjappa

.. Petitioner

Vs

- 1.The Secretary
School Education Department
Government of Tamilnadu
Secretariat, Chennai 600 009.
- 2.The Director,
Directorate of School Education,
DPI Campus, Chennai 600 006.
- 3.The Chief Educational Officer,
Collectorate Campus, Salem - 1.
- 4.The District Educational Officer,
District Library Campus, Salem -7.
- 5.The Headmaster,
Sri Raam Vidyalaya
Matric Higher Secondary School
Sri Raam, Poottaneri 636 453
Mettur (TK) Salem District.

6.S.Prabhu

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 5th respondent to issue the mark sheet/report card and transfer certificate of both male minor children namely, P.Charan aged about 10 years studying in Std V -A2 and P.Rishi aged about 8 years studying in Std IV - A2, immediately to continue their studies without any hindrance in Chennai and in the welfare of the minor children.

For Petitioner : Ms.Shaikh Mehrunisha

For Respondents : Mr.U.Baranidharan
Government Advocate for R1 to R4
Mr.M.Subash for R5

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 5th respondent to issue the mark sheet, report card and transfer certificates of the minor children of the petitioner, who underwent their studies in the 5th respondent School, while they were in the 5th and 4th standards respectively.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing on behalf of the respondents 1 to 4 and the learned counsel appearing on behalf of the 5th respondent.

3. It is seen from the records that the petitioner, who is the wife of the 6th respondent, is not in good terms with her husband. There are two children out of the wedlock and they are aged about 10 and 8 years respectively. These two male children were studying in the 5th and 4th standards respectively. It is further seen from the records that the petitioner has separated from the 6th respondent and she is taking care of the children.

4. It is brought to the notice of this Court that the children are presently studying at St. John CBSE School, Perumbakkam. According to the petitioner, the said School is insisting for the transfer certificate from the 5th respondent. The petitioner made a representation seeking for all the relevant certificates and since the same was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the 5th respondent to issue the transfer certificate, mark sheets and report cards of the minor children of the petitioner within a period of one week from the date of receipt of a copy of this order. It is made clear that insofar as the dispute between the petitioner and the 6th respondent is concerned, their right of custody and guardianship over the children will be independently dealt with by the competent Court and this order passed in the writ petition will absolutely have no bearing, while deciding the inter se rights between the parties.

6. This writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

RR

To

- 1.The Secretary
School Education Department
Government of Tamilnadu
Secretariat, Chennai.
 - 2.The Director,
Directorate of School Education,
DPI Campus, Chennai 600 006.
 - 3.The Chief Educational Officer,
Collectorate Campus, Salem - 1.
 - 4.The District Educational Officer,
District Library Campus, Salem -7.
- +1cc to Government Pleader SR.No.50127

W.P.No.11774 of 2021

PA(CO)
GMY(18/10/2021)