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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.24165 of 2021

D.Sivan

...Petitioner

Vs.

1. The District Collector
Collectorate,
Udhagamandalam
The Nilgiris.
2. The Sub Collector cum Sub Divisional Magistrate
Coonoor
The Nilgiris.
3. The Chief Labour Commissioner (Central)
Ministry of Labour and Employment
Shramshakthi Bhawan
New Delhi.
4. The Deputy Labour Commissioner
Government of Tamil Nadu
Upper Church Road
Bedford, Coonoor
The Nilgiris.
5. The Commissioner
HR and CE Department
Nungambakkam
Chennai.



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6. The Joint Commissioner
HR and CE Department
Dr. Balasundaram Road
Coimbatore.

7. District Child Protection Officer
Additional District Collectorate
Udhagamandalam
The Nilgiris.

8. The Block Education Officer
Udhagamandalam,
The Nilgiris.

9. The Head Mistress
P.U.P School, Kookal
Kagguchi Post,
Udhagamandalam
The Nilgiris.

10. Sree Hetthai Amman Temple
Rep by its Fit Person
Pedala, Nadu Hatty
Kotagiri
The Nilgiris.

11. Gopal Krishnan

12. G. Renesh (Minor)

... Respondents

[R12 rep. by his Father, Poojari
Sree Hetthai Amman Temple, Pedala,
Nadu Hatty, Kotagiri, The Nilgiris]

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 1 to 10 to consider the petitioner's written representations dated 17.2.2021 and 16.03.2021 and consequently direct the respondents 1 to 10 to take appropriate action against persons who caused the Respondent No.12 deprived of his childhood and Education and direct them to resume the schooling of respondent No.12.



For the Petitioner : Ms.Thanga Vadhana Balakrishnan

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For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 4 & 7

Mr.T.Chandrasekar
Spl. Govt. Pleader
for respondents 5 & 6

Mr.R.Shunmugasundaram
Advocate-General
Assisted by
Ms.Mythreya Chandru
Spl. Govt. Pleader
for respondents 8 & 9

No appearance for R10

Ms.A.Bobbilie
for respondents 11 & 12

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The writ petition has been filed for the protection of child right of the respondent No.12 said to have been deprived, namely childhood and education and for a direction to the respondents to resume the schooling of the respondent No.12.

2. A counter to the writ petition has been filed to state that the respondent No.12 is pursuing his studies. He was admitted in Class 1 in the year 2019 and presently, pursuing his studies in Class 3 and thus, the grievance raised by the petitioner in the public interest litigation has been redressed.

3. Learned counsel for the petitioner submits that the child could not be forced to become a priest and at the same time, deprived of his right to education. The writ petition was filed precisely on that ground.

4. Learned counsel for the petitioner admits that the child is now pursuing the studies and presently in Class 3. But, the EMIS number given to the child is not reflected in the website



and that the required information for each child pursuing their studies are also not available in the website.

5. The aforesaid submission has been refuted by learned Advocate-General. He submits that the child is pursuing the studies and EMIS number has also been generated for him. He also submits that the required informations are available in the website.

6. Taking into consideration the aforesaid submissions, we find that the main grievance of the petitioner has been redressed by the respondents as the respondent No.12 is pursuing his studies. In view of the above, we close the petition, but with liberty to the petitioner that if any child right has been infringed, he can resort to the remedy provided under Section 13 read with Section 27 of the Commissions for Protection of Child Right Act, 2005. It is made clear that the respondents would arrange for the continuous study of the respondent No.12.

7. The writ petition is disposed of with the above observations. There will be no order as to costs. Consequently, WMP No.25490 of 2021 is closed.

Sd/-

Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

kpl

To:

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The Nilgiris.
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HR and CE Department
Nungambakkam, Chennai.

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7. The District Child Protection Officer
Additional District Collectorate
Udhagamandalam, The Nilgiris.

8. The Block Education Officer
Udhagamandalam, The Nilgiris.

+1cc to Ms.Thanga Vadhana Balakrishnan, Advocate, S.R.No.68006
+1cc to Ms.A.Bobblie, Advocate, S.R.No.68021
+1cc to the Government Pleader, S.R.No.67986, 68145

W.P.No.24165 of 2021

KSM[co]

NSK 19/01/2022