



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.4132 of 2021
(Through Video Conferencing)

Athithya
being minor represented by
his father and natural guardian
A.Thangathurai

... Petitioner

Vs.

1.The Director,
Directorate of Tamilnadu Matriculation Schools,
Chennai 600 006.

2.The District Collector
Office of the District Collector
Theni District.

3.The Chief Educational Officer
Office of the Chief Educational Officer,
Theni District

4.The Principal
Sri Sakthi Vinayagar Matriculation
Higher Secondary School
Cumbum Post,Theni District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to suitably direct the fourth respondent for admission of petitioner's son namely Athithya in the 11th standard for the academic year 2020-2021 in his school within the time stipulated by this Court.

For Petitioner :Mr.V.Selvakumar
For Respondents :Mr.J.Gunaseelan Muthiah
Additional Government Pleader
for R1 to R3
Mr.K.Prabhu for R4

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the official respondents to instruct the fourth respondent School to grant admission to the son of the petitioner in the 11th standard for the academic year 2020-21.



2. The case of the petitioner is that his son was studying in the fourth respondent School upto 10th standard. He completed 10th standard during the academic year 2019-20. The further case of the petitioner is that he did not have the financial wherewithal to continue the studies in the 4th respondent School and hence, he requested the fourth respondent School to issue Transfer Certificate to get admission for his son in some Government Schools.

3. The grievance of the petitioner is that the fourth respondent School was reluctant to issue the transfer certificate and the mark statements and in the meantime, the academic year was coming to an end. As a result of the inaction on the part of the fourth respondent School, the son of the petitioner was not able to undergo 11th standard in any other School. Therefore, the petitioner wants the fourth respondent to permit his son to continue in the fourth respondent school.

4. The learned Additional Government pleader appearing on behalf of the respondents 1 to 3 submitted that already instructions have been given to the fourth respondent to issue the Transfer Certificate to the son of the petitioner.

5. The learned counsel appearing on behalf of the fourth respondent School submitted that the relief sought for in this writ petition has become infructuous since the academic year 2020-21 is already coming to an end. That apart the fourth respondent School is not in a position to retain the son of the petitioner in the School since the petitioner himself by letter dated 31.10.2020 had made it clear that his son does not want to continue the studies in the fourth respondent School. The learned counsel also made it clear that even though there is a claim for arrear fees, the fourth respondent School is willing to issue necessary certificates to enable the son of the petitioner to continue his education elsewhere.

6. The learned counsel for the petitioner submitted that the inaction on the part of the fourth respondent has virtually prevented the son of the petitioner from pursuing 11th standard during the academic year 2020-21. The learned counsel submitted that if the fourth respondent had given the Transfer Certificate on time, the son of the petitioner would have continued his studies in some Government School.

7. This Court has carefully considered the submissions made on either side and perused the materials available on record.

8. The relief sought for by the petitioner cannot be granted by this Court, since the academic year 2020-21 has virtually come to an end. Therefore, there is no question of directing the fourth



respondent to permit the son of the petitioner to do his 11th standard during the academic year 2020-21. The petitioner has already expressed that he does not have the financial wherewithal to pay the fees in the fourth respondent School. Therefore, it would be more appropriate if a direction is issued to the fourth respondent School to return back all the certificates belonging to the son of the petitioner in order to enable him to join 11th standard in any other School atleast during the academic year 2021-22.

9. In view of the above, there shall be a direction to the fourth respondent School to return/issue all the certificates of the son of the petitioner within one week from the date of receipt of a copy of this order. It is made clear that the fourth respondent School shall not retain the certificates on the ground that there is some arrears of fees payable and if at all there is any arrears of fees payable, the fourth respondent School will have to work out the same independently and there can never be a lien on the certificates for recovery of fees. The petitioner, on receipt of the same, can atleast continue the education of his son in some other school during the academic year 2021-22.

10. The writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (RTI ACT)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director,
Directorate of Tamilnadu Matriculation Schools,
Chennai 600 006.

2.The District Collector
Office of the District Collector
Theni District.



3.The Chief Educational Officer
Office of the Chief Educational Officer,
Theni District

+1 CC to M/s.V.SELVAKUMAR, Advocate (SR-15559[F] dated 09/04/2021)

+1 CC to M/s.SPL GP (SR-15640[F] dated 09/04/2021)

+1 CC to M/s.K.PRABHU, Advocate (SR-15655[F] dated 09/04/2021)

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KB(11.05.2021) 4P 7C