



W.P.No.11663 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.11663 of 2022

P.Lalitha Shankar

.... Petitioner

-Vs-

1.The Chairman
Central Board of Secondary Education
Shiksha Kendra-2, Community Centre
Preet Vihar, New Dehi – 110 092.

2.The Public Grievance Redressal Officer
Regional Office Chennai
Plot No.1630A, J-Block
Anna Nagar West, Chennai 600 040.

3.The Principal
Delhi Public School, Coimbatore
Vill & P.O.Onapalayam
Vadavalli-Thondamuthur Road
Coimbatore-641 109.

4.Ajitha
(R4 impleaded vide order dated
04.08.2022 made in WMP No.16426
of 2022 in WP No.11663/2022 by AQJ)

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st and 2nd respondents to give appropriate direction to the 3rd respondent to issue Transfer Certificate of the petitioner's son Paladugu Pranav.



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For Petitioner : Mr.I.Periaswamy
For Respondents : Mr.C.Nagarajan
Standing Counsel – for RR 1 and 2
No appearance – R3
Mr.R.Nandakumar – for R4

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 1st and 2nd respondents to give appropriate direction to the 3rd respondent to issue Transfer Certificate of the petitioner's son Paladugu Pranav.

2. The petitioner's minor son one Paladugu Pranav was studying 8th Standard at the 3rd respondent school. However, due to some marital dispute between the petitioner and the 4th respondent, who are husband and wife, the petitioner returned back to Vijayawada which is his native place and settled there. He had taken the child ie., son of the petitioner and the 4th respondent along with him, where he wanted to admit his son at a school to continue his studies, for which the Transfer Certificate of the petitioner's son lying at the 3rd respondent school has to be returned back and when this was asked for, the 3rd respondent school has refused to give the certificate for the alleged reason that the 4th respondent / wife of the petitioner seems to have raised certain objections. Only in that context, the petitioner has moved the present writ petition.



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3. Initially, the 4th respondent / wife of the petitioner was not a party and subsequently she has been impleaded. Mr.R.Nandakumar, learned counsel for the 4th respondent on instructions would submit that, upto July 2021 everything went on smoothly and subsequently difference of opinion had come between them with the result, they got separated and legally since such separation has to be given by the Courts of law, the 4th respondent wife already filed an O.P., for divorce at Coimbatore Court and the petitioner filed an O.P for restitution of conjugal rights at Vijayawada Court. In order to transfer the O.P pending before the Vijayawada Court to the Coimbatore Court, already the 4th respondent has approached the Hon'ble Supreme Court and on instructions, the learned counsel for the 4th respondent submits that, the transfer has been ordered, thereby both the O.Ps would be tried and heard before the Coimbatore Court, where the 4th respondent is residing.

4. In order to settle the issue amicably between them, already my predecessor had referred the matter to the Mediation Centre by order dated 05.07.2022, pursuant to which before the Mediation Centre, where the issue was mediated between them, ultimately since no conciliation was reached between them, the Mediation Centre, vide their report dated 08.08.2022 has sent a failure report.



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5. At this juncture, this Court feels that insofar as the contentions of both the petitioner as well as the 4th respondent with regard to their marital relations and the respective relief they sought for ie., divorce as well as restitution of conjugal rights including the custody of the child ie., the son of the petitioner and the 4th respondent, those issues can be decided by the competent court, which the parties have already approached. Therefore, in the meanwhile, in order to protect the interest of the child as his studies should not be hindered, this Court feels that, for the purpose of continuing the studies of the petitioner's son at Vijayawada school, the necessary certificates lying at the 3rd respondent school can be directed to be returned to the petitioner, and based on which he can admit his son at the Vijayawada school. However, that arrangement would not be prejudicial to the interests of both sides and will be without prejudice to the rights and contentions of the 4th respondent in both the O.Ps, one filed by the petitioner and another one filed by the 4th respondent.

6. Even though notice has been served on the 3rd respondent school and the name and address of the 3rd respondent has been printed in the cause list, none appeared before this Court so far.



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7. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order:

- That the 3rd respondent school is hereby directed to issue the necessary certificates including the Transfer Certificate of the petitioner's son viz., Paladugu Pranav who studied 8th standard at the 3rd respondent school during last year, to the petitioner forthwith.
- On receipt of such certificates, it is open to the petitioner to admit his son at a school in Vijayawada and if already the child has been admitted, let the child continue his studies in the school.
- This arrangement has been made purely on the ground that the studies of the son of the petitioner and the 4th respondent studies shall not be affected because of the strained marital relationship between the petitioner and the 4th respondent.



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- It is made clear that, this arrangement is made, without prejudice to the rights and contentions of the 4th respondent in the pending OPs filed by the petitioner and the 4th respondent as stated supra.

8. With the above directions, this writ petition is disposed of. No costs.

30.11.2022

Index : Yes/No

Internet : Yes/No

KST

Note : Issue order copy on 02.12.2022

To

- 1.The Chairman
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R. SURESH KUMAR, J.



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