

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.15104 of 2022

Vajagullah

...Petitioner/ Petitioner

vs.

1.The Principal,
Oxford English School,
Thillainayagapuram,
Mutlur Bypass Road,
Keezhamoongiladi (post),
Chidambaram - 608 102.

2.The Joint Director,
Central Board of Secondary Education,
#2, Community Centre,
Preet Vihar,
Delhi - 110 092.

3.Office of the Director of the School Education,
College Road,
Chennai - 600 006.

...Respondents/ Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to issue the Transfer Certificate of his son Asif Umar for continuing his further education.

For petitioner	: Mr.K.Senguttuvan
For respondents	: Mr.G. Nagarajan for R2
	Mr.T.Seenivasan
	Special Government Pleader for R3

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to 1st respondent to issue the Transfer Certificate for the petitioner's son Asif Umar for continuing his further education.

2. Heard Mr.K.Senguttuvan, learned counsel for the petitioner; Mr.G. Nagarajan, learned counsel for the 2nd respondent and Mr.T.Seenivasan, learned Special Government Pleader for the 3rd respondent.

3. The petitioner's son Asif Umar was a Student of the first respondent school. His son Asif Umar has left the 1st respondent school and is likely to join another institution. Since the Transfer Certificate has not been issued by the first respondent, the contention of the petitioner is that his son has been unable to join another institution. In such circumstances, he has filed this writ petition. The 2nd respondent has filed a counter stating he is an unnecessary party to this writ petition. The notice to the 1st respondent has been duly served and their name has also been printed in the cause list today. The learned counsel for the petitioner also submits that subsequent to the receipt of the notice by the 1st respondent, the Management of the 1st respondent has informed the petitioner that if the writ petition is withdrawn, they will consider the petitioner's request for Transfer Certificate for his son Asif Umar.

4. Admittedly, the petitioner's son, Asif Umar is no more studying in the 1st respondent school. There seems to be some fees dispute with the 1st respondent and only due to the said fact, the 1st respondent has not issued the Transfer Certificate for Asif Umar. The 1st respondent has also not entered appearance in this writ petition, even though they have received the notice and their name is also printed in the cause list today. The petitioner's son having left the school, the 1st respondent will have to necessarily issue the Transfer Certificate. Further having not come forward to defend this case though they have received notice in this writ petition and therefore, a positive direction can be issued to the 1st respondent to issue the Transfer Certificate to Asif Umar.

5. For the foregoing reasons, this Court directs the 1st respondent to issue the Transfer Certificate to Asif Umar, the son of the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Joint Director,
Central Board of Secondary Education,
#2, Community Centre,
Preet Vihar,
Delhi - 110 092.

2.The Director,
Office of the Director of the School Education,
College Road,
Chennai - 600 006.

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