

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.4145 of 2023

Ku.Jesika d/o Vinod Shahu(since Minor through natural guardian mother)-
Sou. Poonam w/o Vinod Shahu

vs

Education Officer (Secondary), Zilla Parishad, Nagpur and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.K.Neware, Advocate for petitioner.
Ms N. P. Mehta, Assistant Government Pleader for respondent No.1.
Mrs. S.Paunikar, Advocate for respondent no.4.

CORAM :- A.S.CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 31st JULY, 2023

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Heard.

2. The petitioner-minor student who is prosecuting the present proceedings through her natural guardian-mother prays that the respondent Nos. 2 and 3 be directed to release her Transfer Certificate consequent upon completion of her Secondary Education.

3. The petitioner's Transfer Certificate has been withheld by the respondent No.3 in view of the communication issued by the respondent No.4-father of the minor child. On 28.07.2023 we had interviewed the minor daughter with a view to gather her wishes as to the institution where she desires to prosecute her studies. It was stated that she has taken admission at 11th standard in the School nearer to the residence of her mother. However, for want of School Leaving Certificate, her further education has been withheld.

4. We find that dispute with regard to custody of minor child is pending with the Family Court. However, withholding of the School Leaving Certificate on this count at the behest of the respondent No.4

is not justifiable. The education of the minor cannot be jeopardized in such a manner.

5. Hence in accordance with the wishes expressed by the petitioner-minor child, the respondent Nos. 2 and 3 are directed to issue School Leaving Certificate/Transfer Certificate of the minor and hand over the same to her natural guardian-mother. The same be done within a period of one week from today. The petitioner to communicate this order to the respondent Nos. 1 to 3.

6. It is clarified that the proceedings for custody of the minor shall be decided on their own merits without being influenced by this direction. The writ petition is disposed of in aforesaid terms. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

Andurkar.