



WEB COPY



W.P.No.17372 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 04.09.2023

Pronounced on : 07.09.2023

CORAM : JUSTICE N.SESHASAYEE

W.P. No.17372 of 2023

H.Lalithambigai

... Petitioner

Vs.

1.The Chief District Educational Officer
No.227, Old Railway Station Road
Konavaikkal
Marappalam
Erode - 638 001.

2.The Indian Public School
Represented by its Principal
Senapathypalayam
Chennimalai Road
Erode - 638 112.

3.K.S.S.Sivasubramanian

... Respondents

[R3 *suo motu* impleaded vide order dated 27.06.2023
made in WMP.No.17426/2023 in W.P.No.17372 of 2023]



W.P.No.17372 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to issue Transfer Certificate of the petitioner's minor daughter namely S.S.Aiswarya Lakshmi to the petitioner, based on the application of the petitioner dated 13.02.2023, within a stipulated period.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.V.Manoharan
Additional Govt Pleader for R1

Mr.M.Guruprasad for R2

Mr.R.Marudhachalamurthy for R3

ORDER

There is an issue of matrimonial discord between the petitioner and the third respondent, and caught in the fire is their minor daughter aged about ten years old. The daughter of the couple was studying in the second respondent-School, and the petitioner seeks a transfer certificate to put her in a school in Salem as she is now under the care of her parents.

2. This Court interviewed the parties on 16.08.2023 and 22.08.2023. The



W.P.No.17372 of 2023

child was also brought on 22.08.2023, and this Court briefly interviewed the child in private.

3. When the child was asked to which school she would prefer as between the Indian Public School, Erode (the second respondent herein) and Pavai Vidyashram Senior Secondary School, Namakkal (with CBSE curriculam), for her studies, she replied her first preference is to go back to her school in Singapore in which she studied earlier and where her father now is, and also added that as between Indian Public School and Pavai Vidyashram Senior Secondary School, she is comfortable even with Pavai Vidyashram school at Namakkal and that she is happy being there.

4. To dissolve the differences between the child's parents and to bridge the same appears to be an elusive possibility for the present. So far as the welfare of the child is concerned, inasmuch as she is now comfortable with Pavai Vidyashram Senior Secondary School at Namakkal, it is only appropriate that the second respondent-School issues a transfer certificate to the child.



W.P.No.17372 of 2023

5. This Court accordingly directs the second respondent to issue the transfer certificate to the petitioner's minor daughter S.S.Aiswarya Lakshmi forthwith. It is underscored that the present order will come in no way to interfere with any proceedings which the first respondent may initiate for the custody of the child. In all such cases, the Court that may be required to handle the said issues, is required to make its independent decision. The present decision is made only to secure the present interest of the child vis-a-viz, her schooling, and other issues are left open.

6. The writ petition is disposed of accordingly. No costs.

07.09.2023

Index : Yes / No
Internet : Yes / No
Speaking order / Non-speaking order
ds

To:

The Chief District Educational Officer
No.227, Old Railway Station Road
Konavaikkal
Marappalam
Erode - 638 001.



WEB COPY



W.P.No.17372 of 2023

N.SESHASAYEE.J.,

ds

Pre-delivery order in
W.P.No.17372 of 2023

07.09.2023