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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.12.2023

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.24580 of 2022

S.Pichai Pillai

... Petitioner

Vs

1. The Chief Educational Officer,
District Chief Education Office,
Kallakurichi District.
2. The District Educational Officer,
District Education Office,
Kallakurichi Taluk,
Kallakurichi District.
3. A.K.T. Academy Matric Higher
Secondary School,
Rep. by its Principal Mr.Adhikesavan,
Neelamangalam Village,
Kallakurichi Taluk,
Kallakurichi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent viz., A.K.T. Academy Matric Higher Secondary School, Neelamangalam Village, Kallakurichi Taluk, Kallakurichi District to issue the Transfer Certificate and



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Mark Sheet of the Petitioner's sons viz., 1.Naveen Kumar and 2.Rahothaman immediately.

For Petitioner : Ms.Mary Mahila D.C.
For Mr.R.Prabudoss
For Respondents : Mr.P.Anandakumar,
Government Advocate (R1 and R2)
Mr.S.Kadarkarai (R3)

ORDER

Heard Ms.Mary Mahila, learned counsel appearing on behalf of Mr.R.Prabudoss, learned counsel on record for the petitioner, Mr.P.Anandakumar, learned Government Advocate for R1 and R2 and Mr.S.Kadarkarai, learned counsel appearing for R3. There is no appearance for the official respondents.

2. The prayer of the petitioner is for a mandamus directing the third respondent, which is a Matric Higher Secondary School to issue transfer certificate and mark sheet of the petitioner's sons Naveen Kumar and Rahothaman.

3. The petitioner avers that his sons were studying in the third respondent school from LKG. His first son had completed his studies upto 10th standard and thereafter, on account of the inability to pay the school fees had appeared for the 12th standard public examination as a private candidate. His second son had discontinued his studies after 9th standard on the ground, yet



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again, on account of his inability to pay the school fees. The petitioner states that with great difficulty, some amounts have been paid towards arrears of the school fees.

4. While this is so, upon discontinuation, he had sought transfer certificates as well as mark sheets for both the children which request was refused by R3. He would state that his first son joined an Engineering College at Komarapalayam, but he is not in a position to appear for the examination for non-production of requisite certificates which are being withheld by R3.

5. On a previous occasion (on 29.08.2023), this Court has directed the petitioner to pay some amount towards arrears of the fees. It was also recorded therein that R3 would be satisfied if a sum of Rs.40,000/- was paid and take that as full and final settlement of the fees, waiving the balance.

6. Thereafter, the petitioner has repeatedly seeking time to mobilise funds and even today, the same request is made.

7. This Court does not deem it fit to keep this matter pending any further. The settled position as far as return of certificates are concerned, is that educational institutions cannot withheld transfer certificates as well as other certificates for non-payment of school fees and therefore, there is a mandamus issued to R3 to return the certificates expeditiously.



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DR.ANITA SUMANTH,J.

8. Needless to say all measures are left open to enable R3 to recover the fees from the petitioner, though strictly following due process of law.

9. With this, this Writ Petition is closed. No costs.

01.12.2023

Index : Yes / No

Speaking order

Neutral citations:Yes

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To

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