



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.11.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.28256 of 2023

Ravikumar

... Petitioner

Vs

1. The Secretary to Government,
Home Department,
St.George Fort,
Chennai – 9.
2. The Secretary to Government,
Higher Education Department,
St.George Fort,
Chennai – 9.
3. The Secretary to Government,
School Education Department,
St.George Fort,
Chennai – 9.
4. The District Collector,
Kallakurichi, Kallakurichi District.
5. The Superintendent of Police,
Kallakurichi.
6. The Chief Education Officer,
Kallakurichi District.
7. The Inspector of Police,
SIT, Chinnasalem, Kallakurichi District.
Crime No.236 of 2022

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to take appropriate action for issuance of fresh educational and other certificates including mark statements, provisional certificates, Transfer certificates, Birth Certificates etc of the students and Teachers of the petitioner's School by considering the representation submitted by the Teachers of the petitioner school dated 10.11.2022 and by the petitioner dated 08.09.2023 within a reasonable time.

For Petitioner : Mr.R.Nalliyappan
For Respondents : Mr.U.M.Ravichandran
Special Government Pleader

ORDER

The petitioner is the Correspondent of one, 'Sakthi Matriculation School and ECR International CBSE School' (School), and seeks a mandamus directing R1 to R3, being the Secretary to Government, Home, Secretary to Government, Higher Education and Secretary to Government, School Education Department, to take appropriate action for issuance of various certificates of the students and teachers of the petitioner school.

2. It is their case that there was a riot in the premises of the school on 17.07.2022 pursuant to the unfortunate death of one of the students. In the ensuing vandalism, the entire school building was set afire. Original certificates of the students and teachers fell prey to the fire. A complaint was filed by the Special



Tahsildhar (Harijan Welfare), Kallakurichi and a case registered in Crime No.236

of 2022 against the rioters under various Sections of the Indian Penal Code as well

as the Tamil Nadu Public Property (Prevention of Damage and Loss) Act 1992.

The Government of Tamil Nadu has put in place a Special Team to look into the issues arising there from.

3. Various directions have been issued including a direction to the respondents to take necessary steps to re-issue the original certificates to the students and teachers that had been lost in the fire.

4. According to the petitioner, the students as well as teachers are greatly prejudiced as they are unable to pursue academic as well as career options sans the certificates. Despite representations, there is no effective response from the respondents. Hence, this Writ petition.

5. Even at this juncture, Mr.U.M.Ravichandran, learned Special Government Pleader, who accepts notice for all the respondents would only tentatively state that the representation would be disposed within eight weeks.

6. However, the riot and incidents thereafter and consequential thereto have happened in November 2022 and evidently, there would be a great deal of hardship caused, including by the loss of the original certificates. As far as the students are



concerned, both learned counsel would submit that most of the certificates have been replaced and only 89 certificates remain to be re-issued in original.

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7. It is the case of the teachers that their representations have to be addressed immediately for the reason that there is a notification calling for fresh recruitment of teachers and what stands in the way of the teachers in the petitioner's school participating is the absence of the missing original certificates.

8. Hence, a direction is issued to R2 to consider the representation of the petitioner, hear the petitioner, call for necessary documents and commence the process of issuance of original certificates in a phased manner. This exercise shall begin forthwith. For the purpose of kickstarting the same, the petitioner, accompanied by the teachers are permitted to attend the office of R2 on 20.11.2023 at 10.30 a.m., without awaiting any notice in this regard. The availability of the Secretary to Government, Higher Education Department, has been obtained in this regard. Let the process be completed as expeditiously as possible.

9. This Writ petition is disposed as above. No costs.

08.11.2023

mpl

Index : Yes / No

Speaking Order: Yes

Neutral Citation: Yes



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DR.ANITA SUMANTH, J.

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