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W.P.No.34519 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.04.2023

C O R A M

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.34519 of 2022
and W.M.P.No.9234 of 2023

K.Buvaneswari

... Petitioner

Vs

1. Central Board of Secondary Education (CBSE),
Rep by its Regional Director,
New No.3, Old No 1630 A,
“J” Block, 16th Main Road,
Anna Nagar West,
Chennai-600040.
2. The District Educational Officer (Private Schools),
Namakkal-637001.
3. A.K.V.Public School,
Senior Secrtary (CBSE),
Rep by its Head Master,
Suriyagoundampalayam,
Mallasamudram (PO),
Tiruchengode, Namakkal District-637503.

4. V.Saravanan

(R4 impleaded vide order dated 09.01.2023 made
in W.M.P.No.313/2023 in W.P.No.34519 of 2022)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India

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praying to issue a Writ of Mandamus or any other writ, order or direction in the nature of Writ, directing the 3rd respondent to issue transfer certificate, original birth certificate, original community certificate and 8th standard Mark Statement of the Petitioners minor son, S.Harimukunthan to the petitioner based on the application of the petitioner dated 22.11.2022.

For Petitioner ... M/s.K.Selvaraj

For Respondents ... M/s.G.Nagarajan for R1

... Mr.K.M.D.Muhilan,
Additional Government Pleader for R2

... M/s.J.Prithivi for R4

ORDER

This Writ Petition has been filed seeking a direction to the 3rd respondent to issue the original certificates of the petitioner's minor son as sought for in this Writ Petition.

2. It is the case of the petitioner that her son namely, S.Harimukunthan is studying 9th standard in the 3rd respondent school, which is 35 km away from the petitioner's residence at Namakkal District. Due to the matrimonial dispute



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between the petitioner and her husband/4th respondent, the petitioner is currently residing at Salem District and hence, she wanted to join her son in Glazery Brook School (CBSE) Kattur, or Senthil Public School (CBSE) which are two 2kms away from her residence. Hence, the petitioner made a representation to the 3rd respondent school by way of a representation dated 22.11.2022 requesting to issue Transfer Certificate and other original certificates to her son. Since, the same was not considered, the petitioner made a representation to the 2nd respondent on 28.11.2022 for the very same relief, pursuant to which, proceedings came to be passed by the 2nd respondent on 02.12.2022 directing the 3rd respondent to issue the transfer certificate and other original certificates to the petitioner's son. However, till date, no action has been taken on the same. Hence, this Writ Petition.

3. Learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the 3rd respondent to issue Transfer Certificate and other original certificates to the petitioner's son after the completion of his 9th standard pursuant to the proceedings of the 2nd respondent.

4. Learned counsel appearing for the 4th respondent submits that the 4th



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respondent has no objection in shifting his son from the 3rd respondent school.

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5. On the above contention, this Court heard the learned Additional Government Pleader appearing for the 2nd respondent.

6. In view of the consent expressed by both the petitioner and the 4th respondent, this Court is inclined to issue a direction to the 3rd respondent to permit the petitioner's son S.Harimukunthan to complete his 9th standard for this academic year in the 3rd respondent school and issue Transfer Certificate to him along with the other original certificates including the 9th standard marksheet for this academic year.

7. This Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

11.04.2023

Index:Yes/No

Internet:Yes

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M.DHANDAPANI, J.



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