



W.P(MD)No.1932 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1932 of 2023

Gxxxxxx

... Petitioner

Vs.

- 1.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
- 2.The District Educational officer,
Tirunelveli District,
Tirunelveli.
- 3.The Head Master,
Government Higher Secondary School,
Parapaadi, Nanguneri Taluk,
Tirunelveli District.
- 4.The Inspector of Police,
Vijayanarayanam Police Station,
Thisaiyanvilai Taluk,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to allow the petitioner's daughter Nxxxx aged about 14 years to rejoin the Government Higher Secondary School, Parapaadi, Nanguneri Taluk, Tirunelveli District.



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For Petitioner : Mr.V.Angusamy

For Respondents : Mr.S.Shaji Bino,
Spl. Government Pleader for R1 to R3.
Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R4.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner's daughter is studying in the third respondent school. She is a minor child. She was found missing. In this regard, a criminal case was registered on the file of the fourth respondent. The child was rescued after few days. She was found in the company of a 24 years old man. The petitioner after rescuing his daughter wanted her to continue her studies. The child is also interested in continuing her education in the third respondent school. But the third respondent appears to have taken the stand that since the conduct of the child brought embarrassment to the institution and they were not willing to take any risk, they were not willing to take back the child. That led to the filling of this writ petition.



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3. When the matter was taken up for admission on 01.02.2023, I made it clear to the learned Special Government Pleader for the respondents 1 to 3 that the third respondent must show broad-mindedness and not do anything that may remotely affect the educational prospects of the child. Article 21A of the Constitution of India states that the State shall provide free and compulsory education to all children of the age group of six to fourteen years. The child in question is aged fourteen years. The third respondent was called upon to respond. The case was posted to today ie., 02.02.2023. I am happy to record that the school management committee passed a resolution on 31.01.2023 for re-admitting the child considering her age and future prospects. The resolution dated 31.01.2023 has been produced before this Court.

4. In view of the stand taken by the third respondent, no further order is required in this writ petition. However, the petitioner will have to sign any affidavit which the third respondent may require him to do so. The writ petition is allowed accordingly. No costs.

02.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Note: The Registry is directed to suppress the names of the petitioner and petitioner's daughter while issuing the order copy.



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G.R.SWAMINATHAN, J.

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