

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

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CWP-22302-2023

Date of decision : 30.10.2023

Amandeep Kaur Purba and another

... Petitioners

Versus

State of Punjab and others

... Respondents

***CORAM: HON'BLE MR. JUSTICE VIKAS BAHL***

Present: Mr.Amit Gupta, Advocate for the petitioners.

Mr.Kunal Muthreja, AAG, Punjab for respondents no.1 and 2.

Mr.V.K.Kaushal, Advocate for  
Mr. Kapil Bajaj, Advocate for respondents no.3 and 4.

Mr.Anantdeep Singh Sandhu, Advocate for respondent no.6.

**VIKAS BAHL, J.(ORAL)**

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondents no.3 and 4 to issue school leaving certificate/ transfer certificate to petitioner no.2.

2. Learned counsel for the petitioners has submitted that petitioner no.1 is the mother of petitioner no.2 and there is a matrimonial dispute between petitioner no.1 and her husband-respondent no.5 and litigation regarding the same is pending in various Courts. It is submitted that in the present writ petition, petitioner no.2, who was studying in respondent no.3-Ryan International School, has now left the said school and is presently studying in Tara Devi School at Jagraon and the only limited relief, which the petitioners are praying for, is the issuance of a school leaving certificate from respondent no.3. It is further submitted that the

petitioners have paid the entire fee and no amount is due from petitioner

no.2 towards the said school. It is stated that there is an urgency in the matter inasmuch as petitioner no.2 has to submit the school leaving certificate to the new school on or before 03.11.2023.

3. Learned counsel for respondents no.3 and 4-School has submitted that as per their record, respondent no.6 Sucha Singh, who is the grandfather of petitioner no.2, got petitioner no.2 admitted in the said school and thus, school leaving certificate can be issued on an application of respondent no.6 or in case, respondent no.6 does not have any objection to the same being issued in favour of petitioner no.2 on an application filed by petitioner no.1. It is submitted that since till date, no such consent has been given by respondent no.6, thus, they have not issued school leaving certificate to petitioner no.2.

4. Learned counsel for respondent no.6 has very fairly submitted that keeping in view the future of petitioner no.2, he has no objection in case the school leaving certificate is issued to petitioner no.2 on an application which has already been filed by petitioner no.1. It is however, submitted that said concession should not be construed as an admission of the custody of petitioner no.2 with petitioner no.1 and respondent no.6 should not be estopped from raising all pleas with respect to the custody etc. before the appropriate Court.

5. Learned counsel for respondents no.1 and 2 has submitted that the present dispute is primarily between the petitioners and respondents no.3 and 4 and no relief has been sought against respondents no.1 and 2.

6. Learned counsel for respondents no.3 and 4 has submitted that in view of the statement made on behalf of respondent no.6, the school leaving certificate would be issued to petitioner no.2 on an application filed by petitioner no.1 and the same would be done on the date when the

petitioners visit the office of respondents no.3 and 4. It is further submitted that the said school leaving certificate would be issued subject to the petitioners clearing the dues, if any.

7. Learned counsel for the petitioners has submitted that in case any such amount is due, then the same would be paid by the petitioners on the day when they visit the office of respondent no.3.

8. Keeping in view the above said facts and circumstances, the present petition is disposed of with the following directions:-

- i) The petitioners would go to the office of respondent no.3-school on 01.11.2023 at 11:00 AM.
- ii) The office of respondent no.3 would inform the petitioners in case any fee or any other amount is due towards them which, if due, would be deposited by the petitioners on the same date itself.
- iii) Upon the petitioners doing so, respondents no.3 and 4 are directed to issue the school leaving certificate in favour of petitioner no.2 to the petitioners.
- iv) The issuance of said school leaving certificate in favour of petitioner no.2 on an application of petitioner no.1 would not be construed as an admission on behalf of the private respondents qua the custody of petitioner no.2 with petitioner no.1 being legal and would also not operate as estoppel and all the issues with respect to the custody of petitioner no.2 would be decided by the appropriate Court uninfluenced by the present order passed.

**(VIKAS BAHL)**  
**JUDGE**

**October 30, 2023**

*Davinder Kumar*