



W.P.No.9878 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM:

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

W.P.No.9878 of 2024

Minor S.Dharshini
represented by mother and guardian,
P.Subriya

... Petitioner

Vs.

1. The Government of Tamil Nadu
Rep., by the Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.
2. The Collector,
Thiruvllur District,
Collectorate, Tiruvallur-602 001.
3. The Director,
Central Board of Secondary Education,
Shiksha Kendra,
No.2, Community Centre,
PreetVihar,
New Delhi-110092.
4. The Regional Officer,
Central Board of Secondary Education,



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Chennai Regional Office,
Old No.1630A, New No.3, J Block,
16th Main Road, Anna Nagar,
Chennai-600040.

5. The Director of Matriculation Schools,
Haddows Road,
Nungambakkam,
Chennai-600034.
6. The District Educational Officer (Private Schools)
Cum Inspector of Matriculation Schools,
Thiruvallur District,
Perunthalaivarakamaraj Government Girls Schools,
Ambattur, Chennai-600053.
7. The Principal,
The Buddha Vidya Mandir School,
Rajeshwari Nagar,
Kavalcheri Road,
Thirumazhisai-600124.

... Respondents

Prayer: This Writ petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus

- i) directing the respondents 1 to 6 to take appropriate action against 7th respondent school for running the school without due recognition;
- ii) directing the 7th respondent school to hand over original documents and transfer certificate to the petitioner besides refunding the fees paid and
- iii) directing the 7th respondent school to pay compensation.



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For Petitioner : Mr.V.G.Suresh Kumar

For Respondents: Mrs.E.Ranganayagi
Additional Government Pleader for R1, R2,
R5 & R6

: Mr.G.Nagarajan for R3, R4

: Mr.V.Elangovan for R7

ORDER

This Writ Petition is filed seeking for a Writ of Mandamus to direct respondents 1 to 6 to take appropriate action against 7th respondent school for running the school without due recognition and to direct the 7th respondent school to hand over original documents and transfer certificate to the petitioner besides refunding the fees paid and to direct the 7th respondent school to pay compensation.

2. The case of the petitioner is that the petitioner is studying in VIII Standard in 7th respondent school and the petitioner's mother had paid a sum of Rs.20,000/- as a portion of fees for the academic year 2023-2024 and before effecting remaining payment, she sought for certain clarifications regarding the recognition of the school but there



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was no proper response. Therefore, the mother of the petitioner had submitted a petition to the Central Board of Secondary Education and in reply to the petition, it was informed by the Board that the said school is not recognised by the Central Board of Secondary Education. Similarly, the mother of the petitioner also made request to the Directorate of Matriculation Schools but there was no proper response, hence, under the said circumstances, the parents of the petitioner, prevented the petitioner from going to school and requested the seventh respondent to return the original documents handed over at the time of the admitting the petitioner and to refund the fees, but the school management declined to refund the fees, return the original documents and issue a Transfer Certificate. Aggrieved over the action of the respondents, the petitioner had preferred this Writ Petition seeking for suitable relief.

3. Learned counsel for the petitioner would submit that seventh respondent school projecting itself as being recognised by the Central Board of Secondary Education and the Directorate of Matriculation Schools has been enrolling hundreds of students every year by charging huge fees. The reply to the written enquiries made by the mother of the petitioner revealed that the school is not recognised by the Central Board



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of Secondary Education and there is no proper response regarding recognition by the Directorate of Matriculation Schools. Learned counsel would further submit that the action and conduct of the management of the 7th respondent school in harassing the petitioner by preventing her from writing her examinations and not handing over the original documents and issuing transfer certificate in spite of requests being made and not refunding of fees, amounts to violation of the various statutory provisions and untenable.

4. Learned counsel for the third and fourth respondents submitted that seventh respondent is not recognised by the Central Board of Secondary Education and collected exorbitant fees contrary to the fees committee rules, hence liberty may be granted to the petitioner to lodge a complaint before the appropriate forum.

5. Heard both sides and perused the records.

6. Considering the facts and circumstances of this case and submissions made by the respective counsel appearing on either side, this Court is inclined to issue direction to the fourth and fifth respondents to



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conduct a fresh enquiry based on the representation of the petitioner after providing opportunity to the seventh respondent and pass appropriate order in the manner known to law including handing over of the certificates and also payment of appropriate compensation within a period of four weeks from the date of receipt of copy of this order and the petitioner is at liberty to lodge a complaint before the appropriate forum with regard to collection of exorbitant amount.

7. With the above directions, this Writ Petition is disposed of.

No costs.

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

To

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