



W.P.No.19009 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

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THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.19009 of 2024
and W.M.P.No.20853 of 2024

H.Vaijayanthimala

... Petitioner

Vs.

1.The Regional Officer
Central Board of Secondary Education
New No.3, Old No.1630 A, "J" Block
16th Main Road
Anna Nagar West
Chennai 600 040

2.The Principal
Velammal Vidyalaya
Velammal Avenue
Seemathamman Nagar
Alapakkam
Maduravoyal
Chennai 600 095

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to instruct or order the second respondent to readmit the petitioner's son in Velammal Vidyalaya, Alapakkam Branch in 12th Standard.



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For Petitioner : Mr.B.Nagarajan

For Respondents : Mr.T.Sri Krishna Bhagavat - R1

Mr.V.P.Sengothavel, Senior Counsel
for M/s.A.Akshay Kumar - R2

ORDER

The case of the petitioner is that her son V.H.Nitesh Kumaar has been studying in Velammal Vidhyalaya, Alappakkam Branch since 2018. He completed his 10th standard with 51% aggregate and was given science group for 11th standard in the same school. After the completion of 11th standard, the school has expelled him for his unsatisfactory performance and issued Transfer Certificate on 30.05.2024 with a status as promoted and the reason being transfer of job. Since the petitioner was unable to find admission for 12th standard in other schools as her son completed his 11th standard in Velammal Vidhyalaya, a representation was made on 20.06.2024 to the respondents regarding the same and there was no response. Hence, the present writ petition is filed seeking for a direction to the first respondent to direct the second respondent to provide re-admission for 12th standard.

2.The learned counsel appearing for the petitioner would submit



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that it would suffice to issue a direction to the respondents to consider the representation of the petitioner dated 20.06.2024.

3.After notice, the learned Senior Counsel appearing for the Velammal Vidyalaya would submit that the petitioner's son is a very poor performer and the same was intimated to the petitioner. The petitioner approached the school authorities and obtained a Transfer Certificate with pass grade with an intention to join other school. After a lapse of few months, she has filed the above writ petition before this Court and hence her prayer is not a sustainable one. The learned Senior Counsel further submitted that once the petitioner decides to get the Transfer Certificate from the school and also obtaining the same, cannot agitate the issue before this Court under Article 226 of the Constitution of India. Accordingly prays for dismissal of the above petition.

4.In view of the submissions made by the learned Senior counsel appearing for the Velammal Vidyalaya school that the petitioner has obtained Transfer Certificate from the school on 30.05.2024, however, he has filed the above writ petition in the month of July 2024. The final



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hearing of this case came before this Court during September 2024, by this time the quarterly examinations in schools have got over and in view of the above, there is no possibility for giving admission to the petitioner's son either in Velammal Vidyalaya or in any private school. In view of the above, the prayer sought for in the above writ petition cannot be granted.

5.This Writ Petition stands disposed of accordingly. However, the petitioner's son is granted liberty to participate and write his final board examinations privately. No costs. Consequently, the connected miscellaneous petition is closed.

01.10.2024

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Index : yes / no
Neutral Citation

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