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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 13632/2024**

SHUCHI JAIN

.....Petitioner

Through: **Mr. Sudhir Naaga and Mr. Rajshri Singh, Advs.**

versus

DIRECTORATE OF EDUCATION & ORS.Respondents

Through: **Mr. Karn Bhardwaj, ASC, GNCTD with Mr. Shubham Singh, Mr. Rajat Gaba and Mr. Saurabh Dahiya, Advs. for R-1. Mr. Dheeraj Sachdev, Adv. for R-2.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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14.10.2024

1. In the instant case, the petitioner prays for direction to the respondent-School to issue the Transfer Certificate of her child/student.
2. A representative of the respondent-School appears and submits that as per the practice of the school, the Transfer Certificate can only be granted on a joint request made by the parents of the student. He submits that in the instant case, the petitioner, i.e., mother of the student, seeks issuance of the Transfer Certificate. However, the same is opposed by learned counsel appearing for respondent no.3, who is the father of the student.
3. Learned counsel appearing for the respondent-DoE also points out that as per instructions by the government, in case a dispute arises with



respect to the entitlement of the Transfer Certificate as to on whose request it can be issued, Court's directions would be complied with.

4. Situation No.1 of the Guidelines regarding Education of Children Of Estranged Parents, reads as under:-

“Situation I: Where matter is pending before the courts

There may be cases, where a divorce or custody; or divorce and custody: or other litigation between the husband and wife, is pending in any court and either parent approaches school in a situation where transfer certificate is to be obtained for the child to be taken to another locality or State.

In such cases where the litigation is pending before the courts, the parents can either mutually resolve the matter regarding the school in which the child is to study in the best interest of the child or advise the parents to approach the concerned court as only the court can decide with which parent the child will go to and whether the child can be taken to another area.

In such cases, the school would have to wait for the court orders regarding any matter related to child. Even the CWC has no jurisdiction to pass any order in such matters.”

5. Keeping in mind the ongoing matrimonial dispute between the petitioner and respondent no.3, the Court leaves it open to them to seek appropriate directions from the Court of competent jurisdiction.

6. Depending upon the same, let the School to take further steps in accordance with law.

7. In the instant writ petition, no directions can be granted to the respondent-School to unilaterally issue the Transfer Certificate.

8. Accordingly, the petition stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

OCTOBER 14, 2024/p