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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM

THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

WP.No.9465 of 2025
and
WMP.No.10639 of 2025

Minor G.Sharvesh
Rep. by his Father and
Natural Guardian R.Gangadharan
S/o.Ramasamy
Residing at No.137, 15th Street,
Sri Krishna Nagar,
Maduravoyal, Chennai-600 095.

... Petitioner

Vs.

1. State of Tamil Nadu
Rep. by its Secretary to Government,
Department of School Education,
Fort St. George, Chennai-600 009.
2. Tamil Nadu Private Schools Fees Determination Committee,
Perasiriyar Anbazhagan Kalvi Valaagam,
College Road, Nungambakkam,
Chennai-600 006.
3. The Regional Officer
Chennai Region Central Board of Secondary Education,
New No.3, Old No.1630A, 'J' Block,
16th Main Road, Anna Nagar West,
Chennai-600 040.
4. Tamil Nadu State Commission for Protection of Child Rights,
183/1 EVR Periyar Salai,
Poonamallee High Road,
Dassapuram, Kilpauk, Chennai-600 010.
5. The Director,
Directorate of Private Schools,
Chennai-600 006.



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6. The Principal,
Achariya Siksha Mandir CBSE
No.329, 20th Street,
Astalakshmi Nagar, Alapakkam
Chennai-600 116.

... Respondents

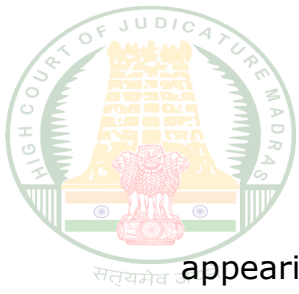
Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus, directing the 6th Respondent herein to issue Transfer Certificate to the Petitioner Minor G.Sharvesh who undergone VIIth Standard in the Academic Year 2024 - 2025. (PRAYER AMENDED VIDE ORDER DATED 13.08.2025 MADE IN WMP.29955/2025 IN WP.9465/2025 BY CKJ)

For Petitioner : Mr.Venkataswamy Babu
For Respondents : Ms.S.Mythreye Chandru
Special Government Pleader
for R1, R2, R4 & R5
Mr.T.Sai Krishna Bhagavat for R3
Mr.K.Jayaraman
for M/s.Ganesh & Ganesh for R6

ORDER

The instant writ petition has been filed to direct the 3rd and 4th respondents herein to ensure that the petitioner G.Sharvesh is permitted to attend class VIIth standard A section in the 6th respondent school and to take action against the 6th respondent school.

2. Heard Mr.Venkataswamy Babu, learned counsel for the petitioner, Ms.S.Mythreye Chandru, learned Special Government Pleader



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appearing for the respondents 1, 2, 4 & 5, Mr.T.Sai Krishna Bhagavat, learned counsel for the 3rd respondent and Mr.K.Jayaraman, learned counsel for the 6th respondent.

3. The learned counsel for the petitioner would submit that the petitioner has paid a sum of Rs.1,04,642/- towards Course Fees for the Academic Year 2024-25 in the month of August, 2024 by availing Educational Loan from Team Edu Fin. The learned counsel would further submit that the petitioner was attending VII standard in the 6th respondent School until the Christmas holidays of 2024, and after reopening of the School in January 2025, the petitioner was not permitted to attend the classes. The learned counsel would further submit that the petitioner's father has sent the representation to the respondents 1 to 5 to take action against the 6th respondent for their illegal act in contravention to the "Right to Education Act" [hereinafter shall be referred to RTE Act]. The learned counsel would further submit that though the present writ petition was filed to permit the petitioner to continue the VII standard in the 6th respondent School, due to the delay on the part of the 6th respondent and to protect the interest of the minor, he was admitted in St.John's Matriculation Higher Secondary School. Therefore, the 6th respondent may be directed to issue a Transfer Certificate to the petitioner, so as to continue the petitioner's education



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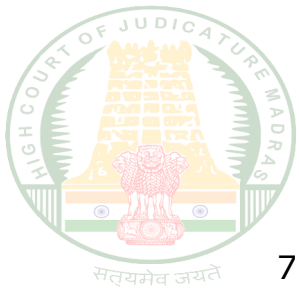
at St.Johns Matriculation Higher Secondary School in VIII standard.

Hence, prayed to allow the writ petition.

4. The learned Special Government Pleader would submit that the 6th respondent is bound to return the Transfer Certificate, so as to enable the petitioner to study in a different School.

5. The learned Standing Counsel for the 6th respondent would vehemently contend that the petitioner did not pay VII standard tuition fees from April 2024. However, he was allowed to continue the classes till December 2024. Thereafter, when the fee was demanded, the petitioner preferred to abstain classes from January, 2025. It is the submission of the learned counsel for the 6th respondent that they have got every right to deny the permission of the student when they failed to pay tuition fees. However, they would fairly submit that they are ready and willing to issue VII standard Transfer Certificate with the remark that the petitioner's son discontinued classes from January, 2025 onwards. Hence, prayed to dismiss the writ petition.

6. I have given my anxious consideration to either side submissions.



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7. It is the contention of the petitioner that he has paid tuition fees. In this connection, the learned counsel relied upon the email dated 09.02.2025. It is also not in dispute that there was a payment by the petitioner to the tune of Rs.1,04,642/-. But, it is the contention of the 6th respondent that, it relates to the previous Academic year fee viz., 2023-24 for VI standard and not for the relevant academic year qua 2024-25 for VII standard. Therefore, it is apparent that though some fees were paid during the relevant academic year 2024-25, the 6th respondent-school appears to have adjusted the said amount to the VI standard fees due.

8. In paragraph 3 of the counter statement, the 6th respondent had stated that the petitioner himself has abstained from attending classes from January 2025, more specifically after the demand for fees made by the 6th respondent. But, it is the contention of the petitioner that he was denied permissions to attend the classes. It is appropriate to refer paragraph 6 of the counter statement, where the 6th respondent had categorically stated that they have got every right to deny the permission of the student if there is a due in tuition fees. For ready reference, paragraph 6 of the counter statement is extracted hereunder:-

"6. The 6th respondent cannot be said to have acted in a



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high handed an illegal manner when they have informed **the father of G.Sharvesh that as there was tuition fee due permission to attend further classes for G.Sharvesh in 7th standard will not be permitted. The 6th respondent was well within their rights to say so.** Hence the allegations made by the petitioner as against the 6th respondent institution are not true and the institution has given a serious and long consideration before the father of G.Sharvesh was informed that failure to pay school fees would prevent coaching instructions from being imparted to G.Sharvesh for 7th standard."

9. Therefore, this Court is of the view that the submission of the petitioner that the 6th respondent has denied the continuance of education to the petitioner is overwhelming. Therefore, this Court could not find any fault on the part of the petitioner. It is pertinent to mention here that, during the pendency of the present writ petition, in order to protect the right of the minor and to continue his education, he was admitted in St.Johns Matriculation Higher Secondary School in VIII standard. Therefore, to continue his education in St. Johns Matriculation Higher Secondary School, the Transfer Certificate from the 6th respondent is essential.

10. At this juncture, the learned counsel for the 6th respondent would submit that they do not have any objection to issue the Transfer Certificate, but, would contend that the certificate should contain the remark that the petitioner has discontinued classes from January 2025.



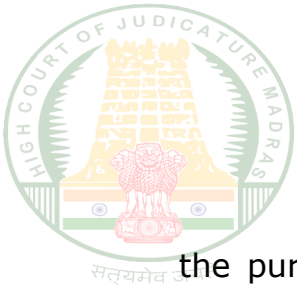
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As rightly contended by the learned counsel for the petitioner, if such Transfer certificate is issued, one academic year of the petitioner would go waste for no fault on the part of the petitioner. Apart from that, the same will make even his present studies in VIII standard in the academic year 2025-26 become useless. Therefore, this Court has to find the way to protect the interest of the children.

11. In this connection, it is appropriate to refer Article 21-A of the Constitution of India, where it has been held that the State shall provide free and compulsory education to all children of the age of 6-14 years. In order to give effect to the Article 21-A, the right of children to free and compulsory education to all children of the age of 6-14 years was introduced in RTE Act. In which under Section 3, every child of age 6 to 14 years are eligible to have free and compulsory education in their neighbourhood school till their completion of their elementary education.

12. It is pertinent to mention here that the above Act would also cover unaided schools. Section 2(n)(iv) of the RTE Act would define the schools includes unaided schools not receiving any aid or grant to meet it's expenses from the appropriate Government or local body. Therefore, though the 6th respondent is an unaided institution, still it comes under

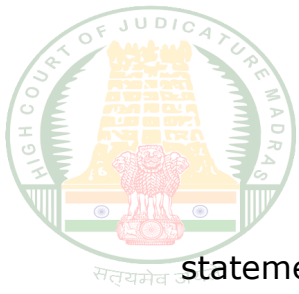


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the purview of the Right of Children to free and compulsory education Act, 2009. Under Section 5 of the RTE Act, the children have the right to transfer to other Schools and the Headmaster or Teacher has to immediately issue a Transfer Certificate on their request, and if there is any delay, the same could be punished.

13. Apart from that, as per Section 16 of the RTE Act, no child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education. Under Section 2(f), the “elementary education” defined which means the education from first class to eighth class. Therefore, the School Authority cannot held back the student in the same class till the completion of his VIII standard. Such finding is further strengthened by Section 30 of the RTE Act, wherein, the Act clearly mandates that no child shall be required to pass any Board examination till completion of elementary education. Therefore, it is amply clear that, the 6th respondent-Institution cannot held back the petitioner in VII standard on account of non payment of fees.

14. Here, the entire issue emanates from the non payment of fees. According to the petitioner, he has paid the fees. But, the 6th respondent with all temerity, has categorically stated in paragraph 6 of the counter



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statement that they have got every right to deny the permission of the student on account of the non payment of fees which run counter to the very intention to the Right of Children to Free and Compulsory Education Act, 2009. Therefore, this Court is of the firm view that the petitioner is entitled to have VII standard completion certificate. Hence, this Court deems it appropriate to direct the 6th respondent to issue VII standard Transfer Certificate for the petitioner and the said certificate must be construed as the petitioner has become eligible to join in VIII standard in view of Section 30 of the Right of Children to Free and Compulsory Education Act, where the child is not require to pass any examination till the completion of elementary education.

15. It is also pertinent to mention here that after the advent of Right of Children to Free and Compulsory Education Act, 2009, the Tamil Nadu Government has constituted an Advisory Committee on Free and Compulsory Education Act and the Committee has suggested to issue certain directions including not to held back or expel in any classes from School till the completion of elementary education. The above recommendation was accepted by the Tamil Nadu Government vide G.O.(Ms).No.189 dated 12.07.2010.

16. In view of the above detailed discussion, this writ petition stands allowed. The 6th respondent is directed to issue Transfer



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Certificate to the petitioner minor G.Sharvesh, who undergone VII standard in the academic year 2024-25 so as to continue his VIII standard in St. Johns Matriculation Higher Secondary School, Chennai forthwith. There shall be no order as to costs. Consequently, connected WMP is also closed.

19.08.2025

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Index : Yes

Speaking order : Yes

Neutral Citation : Yes

To

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