



W.P.(MD)No.4051 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4051 of 2025

T.Jayaraj

... Petitioner

-VS-

1.The Director of Private Schools,
School Education Department,
College Road, Nungambakkam,
Chennai – 06.

2.The District Educational Officer (Private Schools),
District Education Office,
Tenkasi District, Tenkasi.

3.The Principal,
Shree Parasakthi Vidhyala (CBSE) School,
Courtallam, Tenkasi – 627 802.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the third respondent School to hand over the migration certificate and the 10th standard mark statement of the petitioner's son namely, J.Shibi forthwith in pursuant to the order passed by the Chairperson, Taluk Legal Services Committee, Tenkasi, dated 01.02.2025.



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For Petitioner : Mr.K.Jeyamohan
For R1 and R2 : Mr.V.Om Prakash
Government Advocate
For R3 : Mr.S.Manohar

ORDER

This Writ Petition has been filed seeking a direction to the third respondent School to hand over the Migration Certificate and the 10th Standard Mark Statement of the petitioner's son namely, J.Shibi forthwith, in pursuant to the order passed by the Chairperson, Taluk Legal Services Committee, Tenkasi, dated 01.02.2025.

2. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

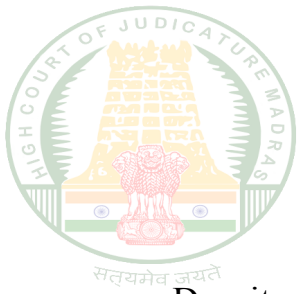
3. The learned counsel for the petitioner submits that the petitioner's son pursued his school education from 1st to 10th Standard at the third respondent's school (CBSE) on scholarship, without paying any fees. Later, the petitioner decided to change his son's school for 11th and 12th Standards, opting for the State



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Board syllabus. As a result, his son joined Immanuel Higher Secondary School, situated in Tenkasi, where his board exams for the 11th Standard are scheduled to take place in March 2025. During the admission process at the new school, the petitioner was asked to produce the transfer certificate, migration certificate, and the 10th Standard Mark Statement to complete the admission formalities. The petitioner approached the third respondent and requested the necessary certificates. However, the third respondent handed over only the transfer certificate and withheld the migration certificate and the 10th Standard Mark Sheet, informing the petitioner that he needed to pay Rs.1,39,575/- towards the school, tuition and bus fees for all ten academic years, from 2014 to 2024. Therefore, the petitioner approached the Taluk Legal Services Committee in Tenkasi, seeking appropriate action against the third respondent.

4. The learned counsel further submits that on 01.02.2025, the Chairperson of the Taluk Legal Services Committee issued a communication to the first respondent, instructing them to take appropriate actions against the third respondent for not issuing the migration certificate and the 10th Standard Mark Sheet, as they cannot lawfully withhold these documents due to unpaid fees.

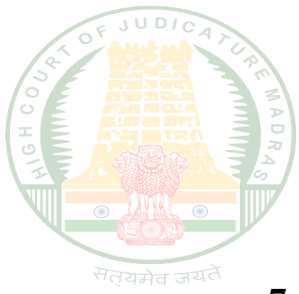


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Despite the order from the Taluk Legal Services Committee, the third respondent has failed to hand over the 10th Standard Mark Sheet and Migration Certificate and therefore, the learned counsel for the petitioner seeks a direction to the third respondent to hand over the migration certificate and 10th Standard Mark Statement of his son.

5. The learned counsel further submits that the certificates of the petitioner's son represent his property. They cannot be retained by the School at any rate. Even if the School has any monetary claim, the rejection of the said Certificates is not the method by which, the claim can be enforced. There is no lien on the Certificates of the petitioner's son.

6. In support of his submission, the learned counsel for the petitioner relied on the order passed by this Court in **S.Muthukamatchi vs. The Director of Technical Education, Anna University and others** reported in **2013 (1) CTC 595**.



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7. Per contra, Mr.S.Manohar, learned counsel appearing for the third respondent contended that if the student leaves a course in the midstream, he would be entitled to the return of the Certificates, only after paying the tuition fee for the remaining incomplete period of the course. The learned counsel also contended that if a student leaves a School in the midstream, the seat goes waste and that the fixation of fee for every student is actually based upon the cost worked out before the Fee Fixation Committee. Once the particular fee is fixed for a particular academic year, the students admitted in that academic year are obliged to pay the same fee, till the end of the course every year. Similarly, there is an obligation casts upon the School to charge only those fees. In such circumstances, it is implicit that the students like the petitioner's son will have to pay the fees for the rest of the course of study for collecting the Certificates.

8. I would not venture to get into that controversy, namely, whether the School is entitled to collect the balance of fees or not. The main grievance of the petitioner is about the Certificates of his son. Those Certificates are not like fixed deposit receipt on which, banks claim a general lien in terms of Section 171 of the Indian Contract Act, 1872. Therefore, the Certificates cannot be retained at any



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rate. Hence, this Writ Petition is allowed, directing the third respondent to return all the original Certificates deposited by the petitioner forthwith, preferably on or before **28.02.2025**. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

17.02.2025

To

- 1.The Director of Private Schools,
School Education Department,
College Road, Nungambakkam,
Chennai – 06.
- 2.The District Educational Officer (Private Schools),
District Education Office,
Tenkasi District, Tenkasi.



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VIVEK KUMAR SINGH, J.

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