



WA(MD). No.756 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 26/03/2025

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

AND

THE HONOURABLE Mrs. JUSTICE S.SRIMATHY

**WA(MD). No.756 of 2025
and CMP(MD) No.5137 of 2025**

The Principal
Shree Parasakthi Vidyalaya (CBSE) School
Cotrallam, Tenkasi 627 802

... Appellant/3rd
respondent

Vs

1.T.Jeyaraj

2.The Director of Private Schools
School Education Department
College Road, Nungambakkam,
Chennai 600 006.

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

... Respondents

PRAYER :- Writ Appeal filed under Clause 15 of Letters patent against
the order of this Court dated 17.02.2025 in WP(MD). No. 4051/2025.

For Appellants : Mr.S.Manohar



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For Respondents : Mr.J.Ashok for R2&R3
Additional Government Pleader
Mr.K.Jeyamohan for R1

JUDGMENT

(Judgment of the Court was delivered by J.NISHA BANU J.)

The 3rd respondent in the writ petition is the appellant herein.

2. The writ appeal is directed against the order of the writ Court dated 10.01.2025 in WP(MD) No.4051/2025, wherein, the appellant was directed to return all the certificates of the first respondent/writ petitioner.

3. Heard the learned counsel for the appellant, learned counsel for the first respondent/writ petitioner and the learned Additional Government Pleader for the respondents 2 and 3 and perused the materials available on record.

4. The contention of the appellant is that due to non payment of fees by the writ petitioner, the certificates were withheld by the appellant management and the writ petitioner is duty bound to pay the fees and

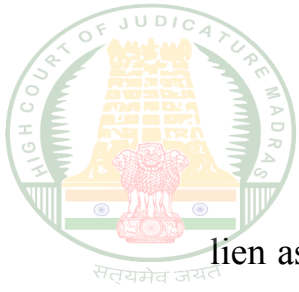


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Section 11 of the Indian Contract Act. 1872 is not applicable in respect of school certificates. It is his further contention that since the appellant school is a self financed institution and a private management, non payment of fees will lead to financial issues in the school. Hence, he seeks for appropriate direction.

4. The learned counsel for the first respondent would submit that the writ petitioner is concerned about the certificates of his son in order to pursue 11th standard.

5. At the outset, it is to be noted that the appellant school is concerned about the non payment of fees and the first respondent is concerned about the certificates of his son to pursue his further studies, for which, the certificates have to be produced to the said school, where he is going to be admitted. The writ Court had not gone into the disputed questions of facts, ie., whether the school is entitled to collect the fees or not. However, the writ Court has directed the appellant to return the certificates of the first respondent's son on or before 28.02.2025, as the certificates cannot be retained on any ground and cannot claim a general



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lien as per the Indian Contract Act. Since the educational institution has no power to retain the certificates, at the same time, they are entitled to recover the dues, if any, therefore, no interference is warranted to the order passed by the writ Court.

6. In view of the above, the appellant is directed to return the certificates of the first respondent's son forthwith. However, the appellant is at liberty to recover the fees in the manner known to law .

7. With the above direction, the writ appeal is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

[J.N.B.,J]

[S.S.Y.,J]

26.03.2025

NCC : Yes/No

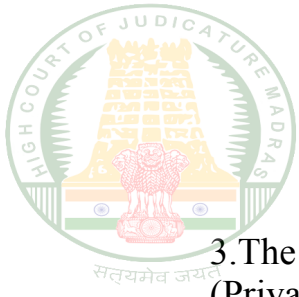
Index : Yes/No

RR

To

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Tenkasi District, Tenkasi

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J.NISHA BANU, J
AND
S.SRIMATHY, J.

RR

ORDER
IN
WA(MD) No.756 of 2025

Date : 26/03/2025