



W.P.(MD)No.18023 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18023 of 2024

and WMP (MD) No.15433 of 2024

B.Rajasekaran

: Petitioner

Vs.

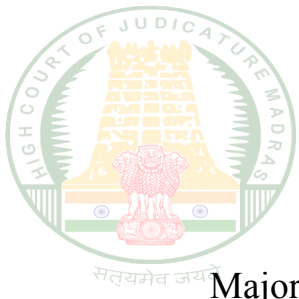
1. The Secretary,
Control Board of Secondary Education,
No.2, Community Centre,
Shiksha Kendra,
CBSE Head Quarters,
Preet Vihar, New Delhi 98.

2. The District Collector,
Trichy District, Trichy.

3. The Director of Private Schools,
School Education Department,
College Road, Nungampakkam,
Chennai 600 006.

4. The District Educational Officer,
(Private Schools),
Trichy District,
Trichy.

5. The Principal,
St. Johns Vestry (CBSE) School,



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Major Saravanan Salai,
Cantonment, Trichy 1.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to take legal action against the 5th respondent school by considering the petitioner's representation dated 26.06.2024.

For Petitioner : Mr. G.Karnan

For Respondents : Mr.V.Om Prakash

Government Advocate for R2 to R4

Mr.V.Panneerselvam for R4 to R7

Mr.P.Karthick for R1

Mr.Vikram Veerasamy

for Mr.V.Muthukamatchi for R5

ORDER

The petitioner has filed this Writ Petition seeking a mandamus, directing the respondents 1 to 4 to take legal action against the fifth respondent school by considering the petitioner's representation dated 26.06.2024.



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2. The petitioner states that his daughter is currently enrolled in the X standard at the fifth respondent school, which follows the CBSE syllabus. After paying the required fees, the petitioner learned that the fifth respondent school lacks the necessary recognition to conduct the IX and X standards under the CBSE syllabus. Consequently, the petitioner approached the school requesting for Transfer Certificate of his daughter, intending to admit her in another school. After receiving the original Transfer Certificate, it is alleged that the school officials visited the petitioner's residence and reclaimed the certificate, citing the need to rectify some errors. The petitioner's grievance is that, till date, the Transfer Certificate has not been reissued. Although the petitioner admitted his daughter in another school with the assurance that the Transfer Certificate would be provided, he has been unable to produce it. In this regard, the petitioner submitted a representation dated 26.06.2024, but since no action has been taken, the petitioner has now filed the present Writ Petition.

3. Heard both sides.



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4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the respondents 1 to 4 to consider the petitioner's representation dated 26.06.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents 1 to 4 to consider the same on its own merits.



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6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

18.02.2025

Index : Yes / No

Internet : Yes / No

PKN

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VIVEK KUMAR SINGH, J.

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