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

+ **W.P.(C) 17919/2024,CM APPL. 76251/2024**

AMAIRA KOHLI THROUGH GUARDIAN AND ANR...Petitioners

Through: Mr. Abhimanyu Mahajan, Mr. Ankur Mahindra, Ms. Anubha, Mr. Mayank Joshi, Mr. Ankush Satija, Mr. Rohit Bishnoi, Advs.

Versus

DIRECTORATE OF EDUCATION AND ORSRespondents

Through: Mr. Sameer Vashisht, GNCTD/R-1 with Mr. Vedansh Vashisht, Adv for R-1
Mr. Kamal Mehta, Adv. for R-2/Modern School
Mr. Satish Agarwala, Mr. Vinay, Mr. Deepak Diwan, Advs. for R-3

**CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**ORDER
07.01.2025**

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1. The present petition has been filed seeking following prayers;

- a. Issue a writ in the nature of mandamus or any other appropriate writ directing the Respondent No. 2 i.e., Modern School, Vasant Vihar to immediately initiate the exit formalities and issue the School Leaving Certificate (SLC), Transfer Certificate (TC) and all other relevant documents pertaining to withdrawal of the Petitioner No. 1 from the said school;*
- b. Issue a writ in the nature of mandamus or any other appropriate writ directing the Respondent No. 1 i.e., the*



Directorate of Education to provide a clarification that there is no bar for the Petitioner No. 2 to seek issuance of SLC/TC, for his ward i.e., the Petitioner No. 1;

2. Sh. Sameer Vashisht, learned standing counsel for respondent No.1, has fairly submitted that, as per the applicable rules, the Transfer Certificate can be issued to the parent who has custody of the child.
3. Learned counsel for respondent-Modern School, Vasant Vihar, states that, as per their practice, the application for a Transfer Certificate must be signed by both parents.
4. The petitioner's case is that, as per the settlement terms mentioned in the petition filed before the Principal Judge, Family Court, South East District, Saket Courts, the custody of the child (petitioner No.1) is with petitioner No.2.
5. At the outset, this Court is not addressing the question of custody rights of either parent. That issue is left to be determined by the concerned learned Judge, Family Court. However, in light of the rule position stated by the learned standing counsel, respondent No.1/Modern School, Vasant Vihar, is directed to issue the Transfer Certificate for petitioner No.1 to petitioner No.2, dispensing with the requirement of respondent No.3's signature on the application.
6. However, this shall not affect the determination of the custody of the child, which remains under the jurisdiction of the concerned learned Judge, Family Court.
7. The learned Judge, Family Court, shall decide the issue of custody and the validity/genuineness of any agreement entered into between the parties independently of the order passed by this Court.



8. In view of the above, the present petition stands disposed of.
9. The copy of this order be given *dasti* under the signature of the Court Master.

DINESH KUMAR SHARMA, J

JANUARY 7, 2025

Pallavi/NA