



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-38103-2025

Date of decision: 10.04.2026

Tushar Agarwal and another

....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Prince Goyal, Advocate,
for the petitioners.

Mr. Bhupender Singh, Addl. A.G., Haryana.

Mr. Beant Singh Seemar, Standing Counsel,
for the respondent-CBSE.

Mr. Manish Jain, Senior Advocate, with
Mr. Bharat Mani Goyal, Advocate,
Mr. Sidhant Jain, Advocate,
Mr. Manan Jain, Advocate, and
Ms. Khushi Saxena, Advocate,
for respondent No.8.

None for respondent No.9.

Ms. Chhavi Budhiraja, Advocate,
for respondent No.10.

KULDEEP TIWARI, J. (Oral)

1) By filing the instant writ petition under Articles 226/227 of the Constitution of India, the petitioners pray for issuance of a Mandamus upon respondent No.8-School, to issue Transfer Certificate (TC) to petitioner No.2, which has been denied on the ground that consent of both the parents is mandatory.

2) Unfortunately, in the matter at hand, this Court is faced with a situation, where it has to decide an issue, which arises out of a



matrimonial discord amongst the parents, but has a perennial impact over the rights/interest of a minor child.

3) Before proceeding further, it would be imperative to note that this Court, in an attempt to resolve the matter amicably, made earnest efforts to secure presence of respondent No.9 (mother of petitioner No.2), but to no avail. Even despite publication, she did not opt to appear before this Court. Therefore, this Court is left with no other option, but to proceed her against *ex parte*.

4) Ordered accordingly.

5) Compendiously, petitioner No.1 (Tushar Agarwal) solemnized marriage with respondent No.9 (Sukriti Agarwal), way back on 24.02.2025, as per Hindu rites/rituals. Out of the wedlock, both were blessed with two male children, namely Suyash Agarwal (petitioner No.2), and Vivaan Agarwal, who is about three years old. However, owing to certain disputes and differences, parents of petitioner No.2, parted their ways, and started residing separately since 12.03.2025. In this backdrop, custody of petitioner No.2, is with petitioner No.1, whereas, Vivaan Agarwal is residing with her mother. Prior to the separation, petitioner No.2 was pursuing his studies with respondent No.8-School, and as such, studied there, up to Class 1. Thereafter, since both the parents untied the knots, the petitioners are living at the native place, i.e. Rajdwara Road, Mohalla Chah Sotiyan, Rampur City, District Rampur, Uttar Pradesh. Accordingly, petitioner No.1, after furnishing all the requisite documents, got his son (petitioner No.2) admitted at Dayawati Modi Academy School-respondent No.10, to continue his studies, which is stated to be one of the prestigious Schools in the area.



However, respondent No.10-School is pressing for submission of the Transfer Certificate, which is to be issued by the earlier School. In this regard, petitioner No.1 has already approached the respondent No.8-School, but due to lack of consent from both the parents, the requisite certificate has been denied. Thus, the petitioners are before this Court.

6) Learned counsel for respondent No.8, submits that, as per the relevant rules, consent of both the parents is required for issuance of a Transfer Certificate. However, mother of petitioner No.2, has categorically objected thereto. Therefore, the School-respondent No.8 is showing its inability to accede to the request of the petitioners.

7) Learned counsel for the respondent-Board fairly submits that, after 2019, the requirement of endorsement by the Central Board of Secondary Education with respect to the Transfer Certificate has been done away with. Therefore, the School is at liberty to take its independent decision for issuing the Transfer Certificate to petitioner No.2.

8) This Court has heard learned counsel for the parties, and gone through the facts of the present case.

9) Bitterness in the matrimonial relations, leading to separation of parents of petitioner No.2, must not be allowed to subject him to the hardships, which has everlasting impact on his career. In any case, petitioner No.2, who is just 7 years old and is already bearing the brunt of the situation, as demonstrated above, is not at fault. In such circumstances, the priority of the Court is to ensure welfare of the child, instead of letting him be the victim of red tape.

10) In the wake of the position sketched out above, this Court passes a Mandamus upon respondent No.8-School, to issue Transfer



Certificate to petitioner No.2, forthwith, without asking for consent of mother (respondent No.9). It is made clear that any delay, in giving effect to the abovesaid observations, would be construed as non-abeyance of the order of this Court.

11) Consequently, the petition stands **disposed of**, in the above terms.

(KULDEEP TIWARI)
JUDGE

10.04.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No