

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2017

CORAM

**THE HONOURABLE MR.JUSTICE N.SESHASAYEE**

W.P(MD).Nos.9242 and 9243 of 2017 and  
WMP(MD).Nos.7019 and 7020 of 2017 in  
W.P(MD).Nos.9242 and 9243 of 2017

K. Nimmathi

Petitioner in both W.Ps.

Vs.

1.The State of Tamil Nadu  
rep. by its Secretary,  
Department of School Education,  
Fort. St. George, Chennai – 600 009

2.The Regional Officer,  
Central Board of Secondary Education,  
New.No.3, Old No.1630A, J. Block  
16<sup>th</sup> Main Road, Anna Nagar West,  
Chennai – 600 040

3.The Chief Education officer,  
District Educational Office,  
Panagal Building,  
Tanjore.

4.Ponnaiyah Ramajayam Public School (CBSE),  
rep. by its Chairman,  
No.187, 3,4 and 8 Darasuram By-pass Road,  
Valayapetti,  
Kumbakonam-612 702,  
Tanjore District.

...Respondents in both W.Ps.

**Prayer in both W.Ps:** These Writ Petitions have been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the fourth respondent school to issue transfer certificate, mark statements, conduct certificate of N.Kudiarasu and N. Eyarkai respectively along with all other original certificates submitted by the petitioner at the time of admission in the year 2015-16 and subsequently direct the 4<sup>th</sup> respondent

school to refund the deposit of Rs.25,000/- paid by the petitioner at the time of admission of his children to the school.

For Petitioner : Mr.N.R. Balaji in both W.Ps.

For Respondents 1&3 : Mr.T.R.Janarthanam  
Additional Government Pleader

For Respondents 2&4 : Mr.G.R.Swaminathan,  
ASGI

**COMMON ORDER**

These Writ Petitions have been filed to direct the fourth respondent school to issue transfer certificate, mark statements, conduct certificate of N.Kudiarasu and N. Eyarkai respectively along with all other original certificates submitted by the petitioner, at the time of admission in the year 2015-16 and subsequently direct the 4<sup>th</sup> respondent school to refund the deposit of Rs.25,000/- paid by the petitioner at the time of admission of his children to the school.

2. The learned counsel appearing for the petitioner submitted that while the petitioner admitted his children in the 4<sup>th</sup> respondent school, he had paid a sum of Rs.25,000/- (in each petition) through demand draft in favour of SPRECT Trust, on assurance given by the fourth respondent that the deposit would be refunded when his children quit the school. Now, the petitioner was constrained to take the children to some other school as he could not afford to continue his children's education with the fourth respondent school. The fourth respondent denied the issuance of transfer certificate and said to have insisted that the petitioner paid an extra sum of Rs.29,200/- towards the pending tuition fee.

3. No school has any authority to deny the issuance of the transfer certificates and other documents, when the children opt to move to other schools. If at all there exists any legitimate claims against the parents, the School has to move the civil court for realizing the same, but the future of the children should not be held to ransom on this score.

4. On 17.05.2017, the learned Assistant Solicitor General was required to appear before this Court, and he appeared and this Court was anxious to see that justice is done to the petitioner in their cause and the learned Assistant Solicitor General agreed to instruct the fourth respondent through the second respondent agency.

5. Today, learned Additional Advocate General appearing for the respondents submitted before this court that the second respondent has been informed through e-mail and also telephonically to instruct the fourth respondent about the justice and the legality of the action but expressed his helplessness today as he could not obtain any information from the second respondent pursuant to the information given to it on the instructions of this Court and several phone calls he had made were not even attended. The conduct of the second respondent is highly reprehensible and could not be appreciated.

6. In circumstances such as these, the authorities such as second respondent has to pay his attention to regulate due the process by which

educational institutions under his control are run. The irresponsibility of such authorities ultimately leave its unfortunate imprints on the future of the innocent children to which this Court cannot close his eyes to.

7.It requires to be recorded that the irresponsibility of the fourth respondent is highlighted by his arrogance in calling all lawyers as criminals for the sin of issuance of the legal notice for achieving the purpose sought in this writ petition. It is very unfortunate someone who runs an educational institutions with an avowed object of imparting knowledge and discipline to children should lose his balance and make such uncalled for statements.

8.The fourth respondent is hereby directed to issue the transfer certificates, mark statements, conduct certificates and other original documents concerning the petitioner's children viz., N.Kudiarasu and N. Eyarkai, forthwith. In case of any failure to obey this order by the fourth respondent resulting in delay and consequently leading to inability of the petitioner to secure admission for his children in other schools, the children would continue their education in the next academic year in the same school (fourth respondent) but, without payment of any fees, for the situation has arisen only due to the obstinacy and insensitivity of the fourth respondent.

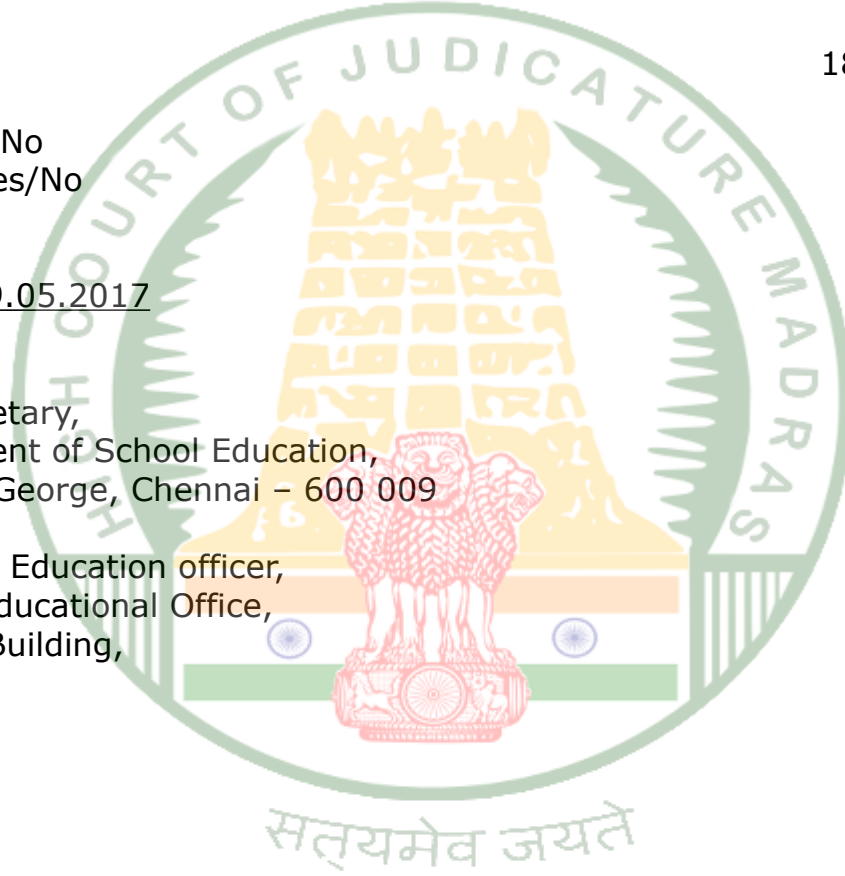
9. With the above directions, the Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

18.05.2017

Index: Yes/No  
Internet: Yes/No  
trp

Issue on 19.05.2017  
To

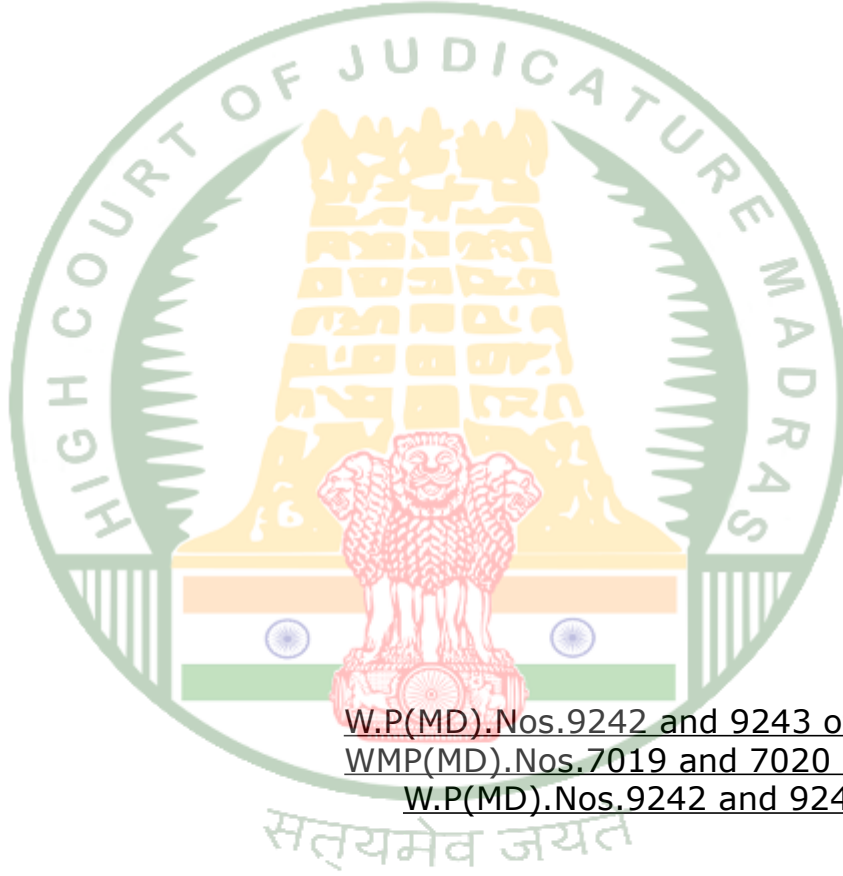
- 1.The Secretary,  
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- 2.The Chief Education officer,  
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**N.SESHASAYEE, J.,**

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