
(2014) 05 KL CK 0043

In the High Court Of Kerala

Case No : WP (C). No. 12586 of 2014 (W)

Anu Elizabeth Rajeev, George Kanjooparambil Rajeev and
Thomas Kanjooparambil Rajeev Represented by her Mother
and Next Friend Anjali George

APPELLANT

Vs

The Central Board of Secondary Examination and Rajeev
Thomas

RESPONDENT

Date of Decision : 27-05-2014

Acts Referred:

Citation : (2014) 05 KL CK 0043

Hon'ble Judges : A.K. Jayasankaran Nambiar, J

Bench : Single Bench

Advocate : P. Shanes Methar, Advocate for the Appellant; Mathew Sebastian, Advocate for R3, Sri. Jomy George, Advocate for R2, Sri. Sebastian Thomas, Advocate For R2 and Sri. Devan Ramachandran, SC, CBSE for R1, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

A.K. Jayasankaran Nambiar, J.—The petitioners are minors represented by their mother. There is marital dispute between the mother of the petitioners and the father who is the 3rd respondent in the writ petition. The petitioners are presently studying in the Fr. Thomas Porukara Sr. Secondary School, Champakulam, Alappuzha, of which the 2nd respondent is the principal. It would appear that on a petition filed by the mother of the petitioners, under the Protection of Women From Domestic Violence Act, the court of Judicial First Class Magistrate, Ramankary, by order dated 17.02.2014, restrained the father of the petitioners from taking custody of the petitioners from the mother of the petitioners. This interim order passed by the court is still in force.

2. It is stated on behalf of the petitioners that the mother of the petitioners had preferred an application before the 2nd respondent seeking the issuance of a transfer certificate in respect of the petitioners so as to get them admitted to

another School in Changanassery where she currently resides along with her parents. The writ petition is filed seeking a direction to the 2nd respondent to issue the transfer certificate sought for at the earliest.

3. I have heard Sri.Devan Ramachandran, the learned Standing counsel appearing on behalf of 1st respondent, Sri. Jomy George, the learned counsel appearing on behalf of 2nd respondent and also Sri. Mathew Sebastian, appearing on behalf of 3rd respondent.

4. While counsel for the 3rd respondent would vehemently oppose the prayer of the petitioners on the plea that the custody of the children remaining with the mother would seriously affect their future prospects and is also not conducive to the well being of the children, he also points out that the 3rd respondent has taken steps for getting orders, for restitution of conjugal rights as well as for the custody of the children, from the Family Court. In these circumstances, he would contend that there is no necessity for a direction to the 2nd respondent to issue the transfer certificate as sought for by the mother of the petitioner. Counsel Sri. Jomy George appearing on behalf of 2nd respondent would submit that, as Principal of the School the 2nd respondent is normally obliged to accede to the request for transfer certificate when it comes from the parents of the students. In this case, however in view of the difference of opinion between the father and mother, it was not in a position to accede to the request of the mother for the issuance of the transfer certificate.

5. On a consideration of the facts and circumstances of the case and in view of Ext.P1 order of the Judicial First Class Magistrate Court, granting interim custody of the children to the mother and specifically restraining the 3rd respondent from taking custody of the children from the mother, I feel it is necessary to issue a direction to the 2nd respondent to accede to the request of the mother of the petitioners for the grant of the transfer certificates. The 2nd respondent shall issue the transfer certificates, subject to compliance with all the necessary formalities by the mother of the petitioners. This shall be done within a period of one week from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.