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W.A.No.1179 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.07.2026

DELIVERED ON : 23.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

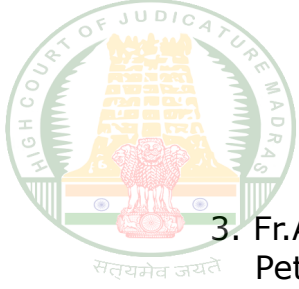
W.A.No.1179 of 2026
and C.M.P.No.11706 of 2026

Aabel Farron
S/o.A.Thainesan
aged 7 years, being a Minor,
Rep. by his father and natural guardian,
A.Thainesan, S/o.Arokiasamy, Plot No.82,
2nd Cross Street, Aravindar Nagar,
Thavalakuppam, Abishegapakkam (Post),
Puducherry-605 007.

Appellant(s)

Vs

1. The Director
Directorate of School Education,
A Block, I Floor, Perunthalaivar Kamaraj
Centenary Educational Complex,
100 ft Road, Anna Nagar,
Puducherry-605 005.
2. The Joint Director
Directorate of School Education, A Block,
I Floor, Perunthalaivar Kamaraj Centenary
Educational Complex, 100 ft Road,
Anna Nagar, Puducherry-605 005.



W.A.No.1179 of 2026

3. Fr.A.Devadoss, Principal
Petit Seminaire Higher Secondary School,
No.355, M.G.Road, Puducherry-605 001.

4. The Chairman
Child Welfare Committee, Ariankuppam,
Puducherry - 605 007.

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 30.03.2026 passed by the learned Single Judge in W.P.No.9759 of 2026.

For Appellant(s): Mr.Adeesh Anto
for M/s.Adeesh Anto and Associates

For Respondent(s): Mr.R.Syed Mustafa
Special Government Pleader
for R1, R2 and R4

Mrs.Kavitha Rameshwar
for Mr.M.Vaikunth
for R3

JUDGMENT

THE CHIEF JUSTICE

At the centre of this legal battle is a seven-year-old child, Master Aabel Farron. Education is meant to broaden a child's horizon and offer a safe environment to learn, make friends and



W.A.No.1179 of 2026

grow. Unfortunately, this child's early schooling became caught in the middle of a workplace dispute between his father, a former Physical Education Teacher at Petit Seminaire Higher Secondary School, and the school administration.

2. The appellant, represented by his father, has approached this court challenging the dismissal of his writ petition, being W.P.No.9759 of 2026, by the learned Single Judge on 30.3.2026. The writ petition was filed to declare the Transfer Certificate issued by the school as invalid and to compel the school to re-admit the child into the Second Standard.

3. A brief look at how the dispute reached this court reveals two parallel paths of litigation:

(a) The child's father, A.Thainesan, served as a teacher at the third respondent/school. Following internal disagreements regarding pay scales and union activities, disciplinary proceedings were initiated against him, resulting in his removal from service on 10.2.2024. The father challenged his termination in W.P.No.9499 of 2024. On 2.2.2026, a learned Single Judge of this court set aside

W.A.No.1179 of 2026

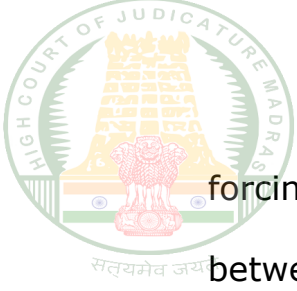
the termination on procedural grounds, granting the management liberty to initiate fresh proceedings if they chose to do so.

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(b) During the pendency of the petition filed by the appellant's father regarding employment, interim protection was granted on 28.6.2024, to ensure the child continues his education in the third respondent/school in the First Standard. Based on the said, the child completed his First Standard at Petit Seminaire Higher Secondary School for the 2024–2025 academic year.

(c) At the end of the academic year, on 12.5.2025, the school issued a Transfer Certificate to the child. The management maintained that continuing the child's enrollment was untenable due to the hostile atmosphere and friction created by the father.

(d) When the father filed Contempt Petition No.2973 of 2025 regarding the issuance of the transfer certificate, the learned Single Judge was informed on 2.2.2026, that the child was continuing his Second Standard education in another private school. Taking note of this fact, the court closed the contempt proceedings, observing that



W.A.No.1179 of 2026

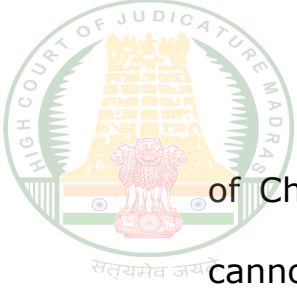
forcing the child back into an environment filled with disputes between his father and the school was not in his best interest.

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(e) When the child's father subsequently filed W.P.No.9759 of 2026 seeking to set aside the Transfer Certificate and re-admit the child into the third respondent/School, the learned Single Judge dismissed the writ petition on 30.3.2026. It was held that since the child had already transitioned into the Second Standard elsewhere, the prayer had effectively become infructuous. Hence, the present appeal.

4.1. Learned counsel for the appellant contends that the submission made during the earlier proceedings that the child was enrolled in another private school was an inadvertent error by previous counsel. He added that the Transfer Certificate remains physically in the father's possession and the child has only been attending private tuition classes, without formal school enrollment in any other school.

4.2. It is further submitted that as per Section 16 of the Right

W.A.No.1179 of 2026

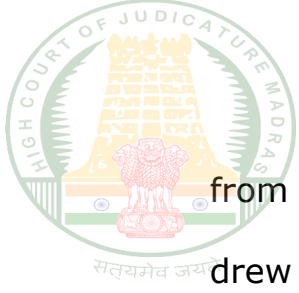
of Children to Free and Compulsory Education Act, 2009, a child cannot be held back in any class or expelled until the completion of elementary education.

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5.1. In response, learned counsel appearing on behalf of the third respondent/school submits that the third respondent/school is an unaided minority institution entitled to administrative autonomy and, therefore, the writ petition itself is not maintainable.

5.2. It is further submitted that the child was not penalized or expelled for misconduct. The father has used the child's enrollment as a leverage tool in his employment conflict against the school. Forcing a child back into an institution where his father is in open conflict with the management and staff would subject the child to constant distress and anxiety.

5.3. Learned counsel relied on Section 2(n)(iv) of the Act, wherein the word "school" is defined as any recognized school imparting elementary education and stated to include an unaided school not receiving any kind of aid or grants to meet its expenses



W.A.No.1179 of 2026

from the appropriate Government or the local authority. She also drew the attention of the court to Section 12(c) of the Act to fortify her stand that the extent of school's responsibility for providing free and compulsory education qua admitting children in Class I is restricted to the extent of at least 25% of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion. However, in the case on hand, the child neither belongs to weaker section, nor to disadvantaged group.

6. Although learned counsel appearing on both sides submitted various precedents on the maintainability of a writ petition against the third-respondent school, we do not deem it necessary to adjudicate upon this preliminary issue in the present proceeding. It remains uncontroverted that the very question of maintainability is under consideration in W.A.No.555 of 2026, preferred by the school management against the order of the learned Single Judge directing reinstatement of the child's father. We, therefore, keep this legal question open for determination in



those proceedings.

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7. Having carefully considered the material on record and the arguments presented, we find no reason to interfere with the order of the learned Single Judge.

8. The statutory protection under the Right to Education Act shields children from arbitrary expulsion, physical punishment and mental harassment. However, the reality of this case is not an attempt to deny a child his fundamental right to learn. The school allowed the child to complete the academic year and issued a Transfer Certificate certifying that he was successfully "*Promoted to 2nd Std*".

9. The friction between the school management and the child's father has regrettably reached a point of deep hostility. A school is not merely a venue of brick and mortar, it relies on mutual trust, respect and cooperation between parents and educators. Where that relationship breaks down entirely, forcing a seven-year-old child into the centre of ongoing litigation between his father and



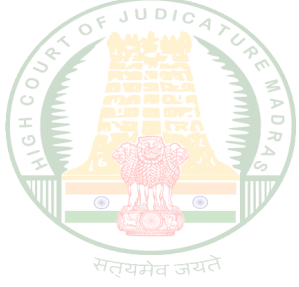
W.A.No.1179 of 2026

the school, it creates a hostile and uncomfortable environment for the child.

WEB COPY

10. In all legal disputes involving young children, the court's guiding light is the welfare and best interest of the child. The courts must avoid using a child as a tug-of-war rope in adult disagreements. Even if we accept the father's latest assertion that the child is currently relying on home tuitions, rather than formal school attendance, insisting that the child should study only at this specific school, where his father has engaged in prolonged conflict, is not driven by the child's academic interest.

11. The learned Single Judge, on the basis of the submissions advanced, recorded that the child is studying in some other private school. The father cannot alter factual position regarding his child's schooling status to keep litigation alive. The core relief sought to set aside the Transfer Certificate and compel re-admission into an environment fraught with disputes between the father and the school management, is, in our considered opinion, not beneficial for the minor child.



W.A.No.1179 of 2026

12. For the aforegiven reasons, the writ appeal is dismissed.

The order dated 30.3.2026 passed in W.P.No.9759 of 2026 is hereby confirmed.

There shall be no order as to costs. Consequently, connected interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
23.07.2026

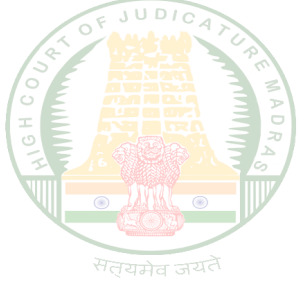
Index : Yes
Neutral Citation : Yes
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To:

W.A.No.1179 of 2026

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WEB COPY



W.A.No.1179 of 2026

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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W.A.No.1179 of 2026

23.07.2026