

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

WP(C).No. 17338 of 2015 (N)

PETITIONER(S):

- 1. RAJEESH KUMAR,
S/O.KRISHNANKUTTY, CHETTUR HOUSE, NENMENI,
THOVARIMALA P.O, SULTHAN BATHERI.**
- 2. SHIBU, S/O.KELAPPAN,
MAKKATTU PADINGARIL HOUSE, PAYYOLI P.O.,
KOILANDI, KOZHIKODE.**

BY ADV. SRI.SUNIL KUMAR A.G

RESPONDENT(S):

- 1. THE MAHATMA GANDHI UNIVERSITY,
REP. BY THE REGISTRAR, PRIYADARSINI HILLS P.O.,
KOTTAYAM- 695 001.**
- 2. THE NIRMALA TRAINING COLLEGE,
THALACODE P.O, MULAMTHURUTHY,
ERNAKULAM-682 314, REP BY ITS PRINCIPAL.**
- 3. THE PRINCIPAL, NIRMALA TRAINING COLLEGE,
THALACODE P.O, MULAMTHURUTHY, ERNAKULAM-682 314.**

**R1 BY SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY
SRI.VIVEK VARGHESE P.J., SC, M.G.UNIVERSITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 17338 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

P1- TRUE COPY OF THE RECEIPT NO.848 DATED 25.1.2014

P2- TRUE COPY OF THE LAWYER'S NOTICE DTED 6.5.2015

P3- TRUE COPY OF THE LETTER DATED 18.5.2015

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.17338 of 2015

Dated this the 7th day of July, 2015.

JUDGMENT

Aggrieved by the refusal of respondents 2 and 3 to return the original academic certificates of the petitioners withheld by them, the petitioners have come up before this Court.

2. Petitioners are post graduates students. Petitioners allege that on 25.1.2014, they gone to the office of the second respondent to enquire about B.Ed course conducted by them. The third respondent collected Rs.2,000/- from the petitioners and issued Ext.P1. The third respondent directed the petitioners to submit their academic certificates and when required, it is informed that it is for processing the same. They assured that the same would be returned if they do not want the admission and upon such promise, deposited the original certificates. Due to financial stringencies and family problems, the petitioners could not take admission and the same was informed to the third respondent on time and was told that the documents will be returned in person. The

petitioners further alleges that since several requests were made in person and over phone to return the documents, third respondent never cared to return the same. Hence the petitioners issued Ext.P2 lawyer notice to return the documents. Ext.P3 reply was given by the third respondent stating that petitioners remitted the first semester examination fees and hall tickets were issued and only on payment of balance fees, the certificates would be returned. The petitioners never attended the classes or took admission in the college and applied for the first semester examination nor remitted the examination fee or received any hall tickets, as contented by the third respondent.

3. Though notice has been served on the respondents 2 and 3, they did not turn up.

4. The learned Standing Counsel for the respondent University on instructions, would submit that no complaint against the petitioner has been received by the university.

5. What is stated in Ext.P3 is that Rs.29,000/- is the tuition fee for the course and the fee arrears of Rs.28,500/-

each due from the petitioners and original certificates are kept in the college as it is mandatory to keep the original certificates during the course of the study of the students as per university guidelines.

6. However, the learned counsel for the petitioners would argue that petitioners never joined in the respondents institution nor remitted the examination fee or received any hall tickets as contended by respondents 2 and 3.

7. Therefore, this Court is of the definite view that the detention of the original academic certificates of the petitioners by respondents 2 and 3 are unjust.

In the result, the writ petition is disposed of directing respondents 2 and 3 to return the original S.S.L.C.book, mark lists of Degree and P.G. Examinations of the petitioners within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.