

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.12.2015

Coram

The Honourable Mr.Justice M.M.SUNDRESH

W.P.No.11813 of 2014 and
M.P.No.1 of 2014

A.Marimuthu

... Petitioner

Vs.

1 Tamil Nadu Teachers Education University
Lady Willingdon College Campus,
Kamarajar Salai, Chennai-600 005.

2 Amerdha Vikash College of Education,
rep. by its Principal,
Kajal Naickenpatti Post,
Salem 636 201.

... Respondents

Prayer: This writ petition is filed under Article 226 of Constitution of India, seeking a writ of mandamus directing to the 2nd respondent herein to return all the original Educational Certificates of the petitioner along with refund of B.Ed. Course Fee of Rs.60 200/- paid by the petitioner for the academic year 2013-2014 with suitable compensation.

For Petitioner : Mr.Venkataswamy Babu

For R1 : M/s.U.Venkatesan

R.Sekaran

P.Natarajan

For R2 : No appearance

O R D E R

Despite notice having been served on respondent No.2, there is no appearance on his behalf.

2. The petitioner herein was admitted provisionally in the B.Ed degree programme conducted by respondent No.2 for the academic year 2013-14. He submitted all his original certificates apart from paying fees. However, it was found that he was not eligible. Thus, the petitioner made a request for original records along with the fees.

3. When the matter was taken up for hearing, Mr.Sekaran, the learned counsel appearing for respondent No.1 submitted that as per the guidelines issued by the Government of Tamil Nadu in G.O.Ms.No.121,Higher Education (G1) Department, dated 04.07.2013, the petitioner was not eligible for admission. By letter dated 23.10.2015, the first respondent has strictly instructed respondent No.2 to return the original certificates to the petitioner and the fees paid within a period of 15 days from the date of receipt of the letter. However, despite the same, it has not been done. Having committed the mistake in admitting ineligible students and received the fees, the respondent No.2 cannot enrich itself for the said reason that it cannot also withhold the documents of the petitioner. Despite the instructions given by respondent No.1, who is a competent authority, the respondent No.2 has not acted accordingly.

4. Hence, the writ petition stands allowed directing respondent No.2 to return the original Educational Certificates to the petitioner and refund the fees paid by him within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

kua

To

The Registrar,
Tamil Nadu Teachers Education University
Lady Willingdon College Campus,
Kamarajar Salai, Chennai-600 005.

+1 CC to MR.Venkataswamy Babu Advocate. SR.NO.67022
+1 CC to U.Venkatesan Govt.Pleader. SR.NO. 66998

W.P.No.11813 of 2014

CO-SK
JD 28/12/2015