

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2015

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.22259 of 2015

and

M.P.No.1 of 2015

Judith L.Pohlong

...Petitioner

vs.

1. Dr.Uma Maheswari,
Head of the Department,
Department of Biotechnology,
University of Madras,
Guindy Campus, Chennai - 25.

2. The Registrar,
University of Madras,
Chepauk Campus, Chennai - 5.

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents herein to handover the following original documents to the petitioner: (a) 10th Statement of Marks of Loreto Convent School, Shillong (CISCE), (b) 10th Pass Certificate of Loreto Convent School, Shillong (CISCE), (c) Provisional Certificate of Christ University, Bangalore (Christ University), (d) Scholarship Entitlement Certificate with exact fees paid for 3rd or 4th semester, (e) 4th Semester Mark Sheet, Provisional Certificate and Transfer Certificate and (f) Reevaluated Marks of the Project Proposal submitted.

For Petitioner : Ms.R.Prem Rajakumari

For Respondents : Mr.S.Thirumavalavan for R1
Mr.R.Vijayakumar,
Addl. Govt. Pleader for R2

ORDER

The petitioner joined M.Sc (Bio Technology) with the respondent University in the year 2013. At the time of admission, the petitioner has submitted her original certificates. After duly completing the course, the said original documents ought to be returned to the petitioner, however, have not been returned. Pursuant to the efforts made by the petitioner, some of the documents have been returned. However, the following documents have not been returned:

- (1) 10th Statement of Marks of Loreto Convent School, Shillong (CISCE);
- (2) 10th Pass Certificate of Loreto Convent School, Shillong (CISCE);
- (3) Provisional Certificate of Christ University, Bangalore (Christ University);
- (4) Scholarship Entitlement Certificate with exact fees paid for 3rd or 4th semester;
- (5) 4th Semester Mark Sheet, Provisional Certificate and Transfer Certificate and
- (6) Reevaluated Marks of the Project Proposal submitted.

2. When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the second respondent University produced a communication dated 15.09.2015, which is extracted hereunder:

"We wish to bring to your kind notice that the steps taken for redressal of the grievances of the students of II year Biotechnology are as follows:

1. To bring a conducive atmosphere for the students in the department, the University of Madras has nominated Prof.M.Arumugam, School Chairperson of Life Sciences as the Head-in-charge of Biotechnology Department in place of Dr.K.Umamaheswari.
2. The Committee has gone through the available files with regard to the complaints against Dr.K.Umamaheswari.
3. It is learnt that the department office has sent the application forms for eligibility of the 5 students bearing Reg.No.38912004, 38913006, 38913010,

38913011 and 38913054 along with their original certificates to the office of the Registrar on 25th November 2013 vide Lr.No.Biotech/Recognition/2013/625. Subsequently the department has been informed over phone on 26th May 2015 stating that all the original certificates have been sent along with the eligibility certificates back to the Department on 15th May 2015. But the department has no record for the receipt of any of those certificates. Hence the committee recommends that the office of the Registrar shall issue a letter to that effect so that the students approach their parent institutions to get duplicate certificates.

4.With regard to the report of the students for revaluation of their dissertations, the committee recommends revaluation of dissertations with an external examiner within a reasonable period of time.

5.With regard to the evaluation of dissertation submitted by R.Balaji on 30.04.2015, i.e. one day after the last date prescribed by the Department, the dissertation has been evaluated now by a committee with the present HOD in-charge and the marks shall be forwarded to CBCS Section, University of Madras in due course.

6.The IV semester mark sheets, provisional certificates and TCs will be issued to all the students after the dissertation marks are sent (after revaluation) to the CBCS Section, University of Madras."

3.There appears to be a bad blood between the students on the one hand and the first respondent on the other hand. One thing is clear that the original certificates of some of the students vanished in thin air suddenly. While the fact that the said certificates were indeed received by the first respondent is not in dispute, the students like that of the petitioner cannot be made to suffer, even after completion of the course. The proceedings referred to above would show that the office of the Registrar was recommended to issue a letter to the effect that the Department has no record for receipt of all the original certificates said to have been sent along with the eligibility certificates back to the Department, so that the affected students would be in a position to approach their parent

institutions to get the duplicate copies of the same.

4.The petitioner hails from Shillong, Meghalaya. She had studied 10th standard in Loreto Convent School, Shillong, 12th standard in St.Anthony's Higher Secondary School, Shillong and completed her U.G. degree course in Christ University, Bangalore. Now, she has to start her journey all over again by moving the authorities to get the duplicates of the missing certificates by spending time, money and energy. Therefore, this Court is of the considered view that the respondents will have to owe the responsibility qua the students. The liability is not only coextensive but vicarious as well.

5.Though the learned counsel for the petitioner advanced other arguments also, this Court is not inclined to go into the same as it would go beyond the prayer. However, considering the missing of the original documents, this Court is of the view that compensation can be awarded to the petitioner to get the certified copies of the original documents from the appropriate authorities. Accordingly, the second respondent is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only), as minimum compensation for the petitioner in getting the certified copies of the original documents from the appropriate authorities. The second respondent is also directed to issue letters to that effect as observed in clause 3 of the letter dated 15.09.2015, not only to the petitioner but also to other students, who are similarly placed like her, within a period of one week from the date of receipt of a copy of this order. The course completion certificates are directed to be issued to the petitioner and the similarly placed students, within a period of one week from the date of receipt of a copy of this order.

6.The recommendation of the committee regarding revaluation of the dissertations with an external examiner shall be carried out and the said exercise shall be done within a period of two weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

//True Copy//

Sub Assistant Registrar

mmi

To

The Registrar,
University of Madras,
Chepauk Campus, Chennai - 5.

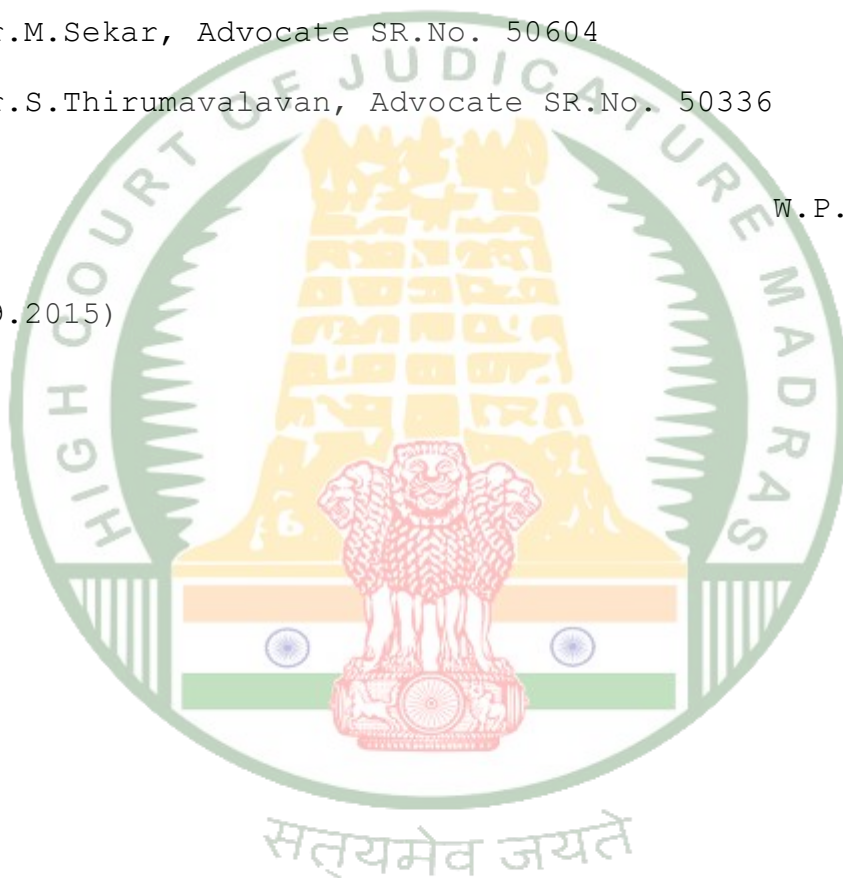
1 CC to Mr.R.Vijayakumar, Advocate SR.No. 50469

1 CC to Mr.M.Sekar, Advocate SR.No. 50604

1 CC to Mr.S.Thirumavalavan, Advocate SR.No. 50336

W.P.No.22259 of 2015

JP (CO)
PSI (30.09.2015)



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