

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.25947 OF 2014

T.Jayachandiran

.. Petitioner

Versus

1. The Registrar,
Bharathiar University,
Coimbatore - 641 046.

2. The Principal,
Sasuri Arts and Science College,
Vijayamangalam - 638 056
Tiruppur District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the second respondent to return petitioner's original certificates, namely, Transfer Certificate, Community Certificate, 10th Mark Statement, 12th Mark Statement as held in by this Court in 2013 (1) CTC 595 by considering the petitioner's representation dated 02.09.2014.

For Petitioner : Mr.R.Prabakar

For Respondents : No Appearance for R1
Mr.V.Bharathidasan for R2

O R D E R

Heard Mr.R.Prabakar, learned counsel for the petitioner and Mr.V.Bharathidasan, learned Standing Counsel for the second respondent.

2. The petitioner seeks for a direction upon the second respondent to return his original certificates by considering his representation dated 02.09.2014.

3. The petitioner was admitted in the second respondent institution in B.Com., course and it appears that he pursued the course for two years and paid fees of Rs.5,100/-. While pursuing his

third year, the petitioner did not pay the fees on account of his financial incapacity. Hence, the petitioner had to discontinue the Course. Therefore, the petitioner sought for return of the certificates alleging that the certificates have not been returned by the management.

4. The learned counsel for the petitioner placed reliance on the decision of this Court in S.Muthukamatchi V. The Director of Technical Education, Anna University reported in 2013 (1) CTC 595, wherein, this Court has held that the original certificates of the candidate cannot be retained by the institution as if it is a fixed deposit receipt on which the banks claim general lien in terms of Section 171 of the Contract Act.

5. The learned counsel for the second respondent Management submitted that without even approaching the management in person, the petitioner straightaway approached this Court by filing this writ petition.

6. Taking into considering the fact that the petitioner continued the course for two years and he has already paid the fees for two years and on account of his economic status he discontinued his studies, there will be a direction to the second respondent to return the petitioner's original certificates as and when the petitioner appears in person before the second respondent along with a copy of this order, without insisting upon any payment.

7. With the above direction, this writ petition is disposed of. No costs.

8. It is made clear that this order shall not be treated as a precedent.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gg

To

1.The Registrar,
Bharathiar University,
Coimbatore - 641 046.

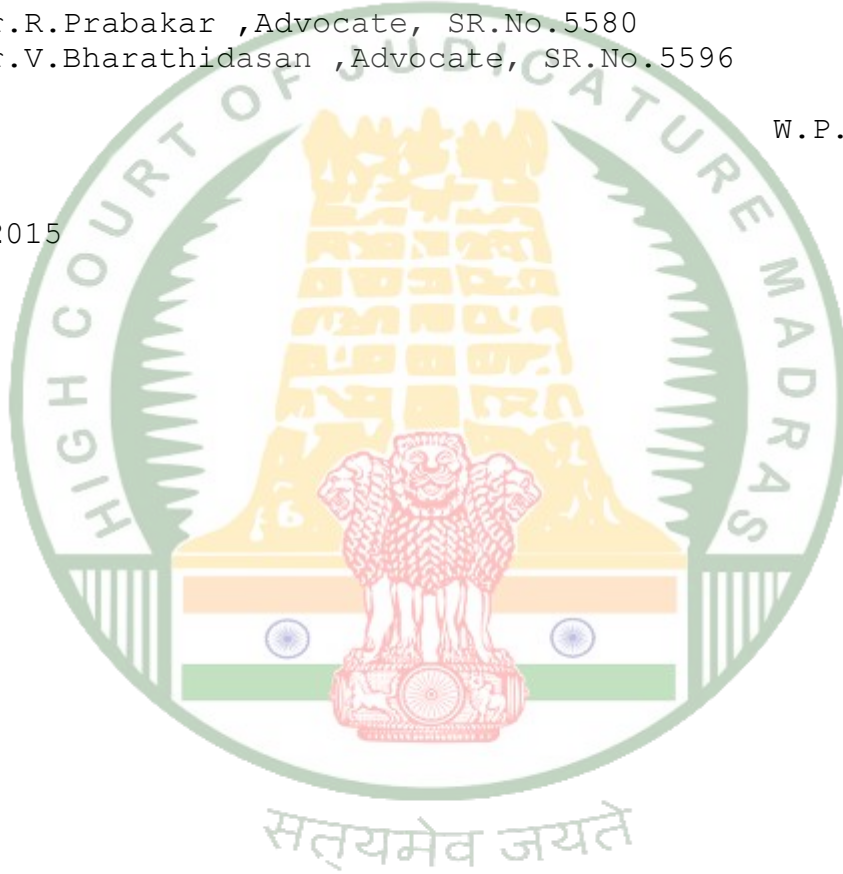
2.The Principal,
Sasuri Arts and Science College,
Vijayamangalam - 638 056
Tiruppur District.

1 cc to Mr.R.Prabakar ,Advocate, SR.No.5580

1 cc to Mr.V.Bharathidasan ,Advocate, SR.No.5596

W.P.NO.25947 OF 2013

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