

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2015

CORAM

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

W.P.No.29366 of 2015
and M.P.No.1 of 2015

Sreelakshmy, V.U.

..Petitioner

Vs.

1. The Director,
The Directorate of Student Affairs,
Anna University, Chennai-25.

2. The Regional officer,
AICTE-SRO, Shastri Bhavan,
26, Haddows Road,
Chennai-600 006.

3. The Principal,
Adhi College of Engineering
& Technology, Munuadhinagar,
Sankarapuram, Near Walajabad,
Kanchipuram.

.. Respondents

Petition is filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus to direct the Principal, Adhi Engineering College & Technology, Munuadhinagar, the third respondent herein to issue Bachelor of Mechanical Engineering Degree Certificate to the petitioner who successfully passed out from third respondent college dated April 2014.

For Petitioner .. Ms.D.Geetha

For respondents .. Mr.M.Vijayakumar for R1
Mrs.A.L.Gandhimathi for R2
R.Ravikumar for
M/s Paul & Paul for R3

ORDER

The petitioner was student of the third respondent. Though the petitioner was issued with a no due certificate along with Conduct Certificate, the degree certificate belonged to her has not been given. Hence, the present writ petition.

2. The learned counsel appearing for the petitioner submitted that despite the request made repeatedly for degree certificate, the same has not been given, presumably, the petitioner has sought for return of caution deposit and on its failure, she made complaints to respondents 1 and 2.

3. The learned counsel appearing for the 3rd respondent submitted that the petitioner has to make certain payments for damaging certain properties of the third respondent- college. The learned counsel appearing for respondents 1 and 2 submitted that instructions have been issued to all the institutions not to withhold the documents such as Degree or Conduct Certificate due to the students at any circumstance.

4. Having issued a no due certificate and the other certificate including the Conduct Certificate, there is no power or authority lies with the third respondent to withhold the degree certificate of the petitioner. There cannot be any subsequent plea of any liability to pay and even otherwise, the same cannot be a ground to withhold the certificate of the candidate. In other words, any alleged liability cannot be used as bargaining power, admittedly when the third respondent is having a public duty.

5. Accordingly, the writ petition stands disposed of directing the third respondent to furnish the degree certificate to the petitioner within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition s closed.
Raa

Sd/-
Assistant Registrar (CS-IV)

/True Copy/

Sub-Assistant Registrar

To

1. The Director,
The Directorate of Student Affairs,
Anna University, Chennai- 600 025.
2. The Regional officer, AICTE-SRO, Shastri Bhavan,
26, Haddows Road, Chennai-600 006.

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3. The Principal, Adhi College of Engineering
& Technology, Munuadhinagar,
Sankarapuram, Near Walajabad,
Kanchipuram.

+1 C.C. To MS.D.Geetha, Advocate in SR.NO.59570

+1 C.C. To MR.M.Vijayakumar, Advocate in SR.NO.58711

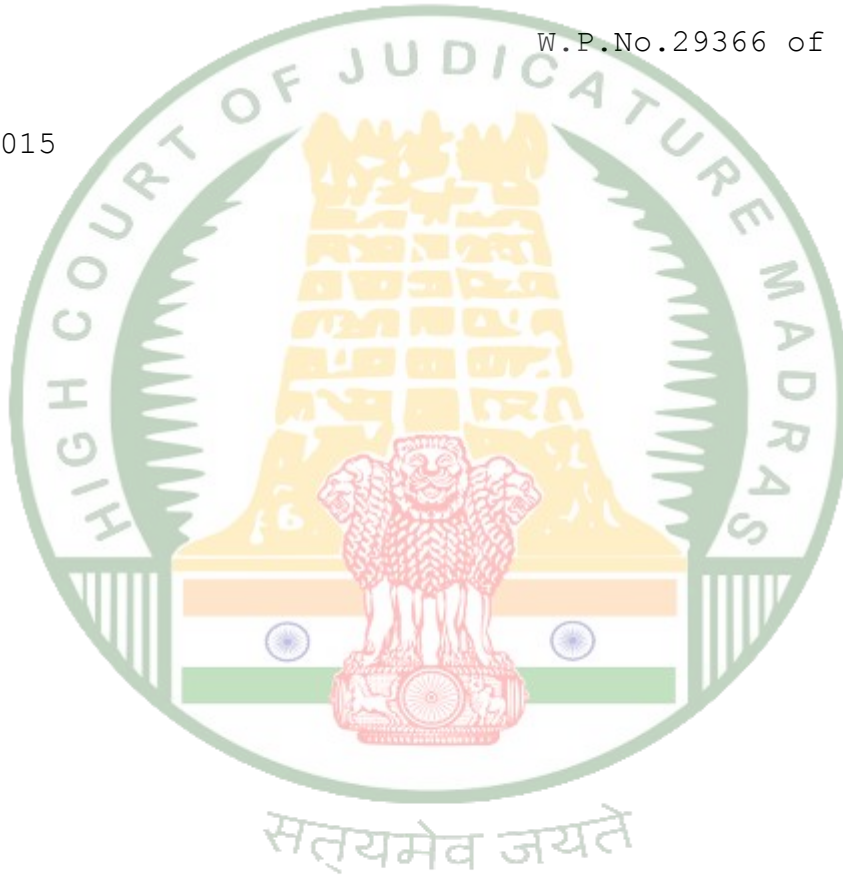
+1 C.C. To M/S.AL.Gandhimathi, Advocate in SR.NO.58691

+1 C.C. To M/S.Paul & Paul, Advocate in SR.NO.58903

W.P.No.29366 of 2015

KGK (CO)

sd : 17/11/2015



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