

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.4328 of 2015

S.Sampoornam

[Petitioner]

- 1 The Registrar
Periyar University Karuppur and Post
Salem District.
- 2 The Principal
The Kavery College of Education for Women
M.Kalipatti Post
Mecheri Mettur
Salem District.

Vs

[Respondents]

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents herein to issue Convocation Provisional and Mark Statements with respect of the B.Ed. Degree course studied before the 2nd respondent college in the year 2007-2008 within a reasonable time within an appropriate time.

For Petitioner : Mr.R.Nalliyappan

ORDER

Heard the learned counsel for the petitioner.

2. In the light of the direction this Court proposes to issue in this writ petition, this Court is of the view that notice to the respondents could be dispensed with.

3. The petitioner seeks for Convocation certificate, Provisional certificate and Mark Statements with respect to the B.Ed. Degree course. She is said to have studied in the 2nd respondent college. According to the petitioner, she has successfully completed B.Ed. degree course from the 2nd respondent College and the 2nd respondent College has issued Transfer Certificate dated 24.06.2008, stating that the petitioner has left the Institution on 13.06.2008. The petitioner has also been issued the conduct certificate dated 24.06.2008, certifying that her character and conduct is good.

4. The petitioner's grievance is that till date the provisional certificate and the mark statements have not been given. The petitioner would assert that she has passed all the subjects in B.Ed. examination and entitled for provisional certificate as well as the mark statements.

5. So far as the Convocation certificate is concerned, unless and until convocation is arranged and conducted by the University, question of issuing convocation certificate does not arise.

6. So far as the provisional certificate and mark statements are concerned, if the petitioner has passed all the subjects, there will be no difficulty in issuing provisional certificate as well as mark statements. In fact, in the transfer certificate which has been issued to the petitioner, in column No.7 whether qualified for promotion to a higher class, it is stated "refer the mark list". Further, it is settled legal principle that the original certificates of a student/candidate cannot be withheld by the Management merely because there are certain doubts etc.

7. Since the writ petition is disposed of at the admission stage, the merits of the allegations made by the petitioner are not gone into. Accordingly, there will be a direction to the 1st respondent to consider the petitioner's representation dated 10.11.2014 and call for appropriate report from the 2nd respondent College and if there is no other legal impediment, the provisional certificate and mark statements shall be directed to be issued to the petitioner within a period of two weeks from the date of receipt of a copy of this order. If there is any other legal impediment, the petitioner shall be initiated in writing about the same so that the petitioner shall work out her remedies in the manner known to law.

The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Registrar
Periyar University Karuppur and Post
Salem District.
- 2 The Principal
The Kavery College of Education for Women
M.Kalipatti Post Mecheri Mettur
Salem District.

1 CC to Mr.M.Christella, Advocate SR.No. 9508

1 CC to Mr.R.Nalliyappan, Advocate SR.No. 9506

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NM (CO)
PSI (05.03.2015)

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