

THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No.14612 OF 2009

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ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a writ or order or direction more particularly one in the nature of writ of Mandamus declare the inaction of the respondents in returning the original educational certificates of the petitioner obtained at the of admission being illegal arbitrary and violative of Articles 14 and 21-A of the Constitution of India apart from being violative of principles of natural justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

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2 . Heard Sri Venkata Rangadas Kanuri, learned Counsel appearing for the petitioner and learned Government Pleader for Higher Education appearing for the respondents. Despite service of notice, none appears for the 3rd respondent.

3. According to the petitioner, he joined in the first year engineering in the 3rd respondent college under management quota on 04.08.2008 and at the time of admission, 3rd respondent obtained original educational certificates of the petitioner and the petitioner herein preferred for the branch of Electronics and Communication Engineering (ECE) and instead of issuing admission letter for ECE, petitioner was issued admission for Computer Science Engineering (CSE). It is further stated that when the petitioner and his father asked the 3rd respondent, they were assured that the admission would be changed to ECE and according to the petitioner herein, despite several requests, no action has been taken, which compelled the petitioner herein to decide to appear for EAMCET next year to try to get the seat for ECE. It is further stated that petitioner's father addressed a letter dated 01.12.2008 to the 3rd respondent, intimating that the petitioner herein is not interested to continue in CSE

Branch and requested to return the original educational certificates obtained at the time of admission. It is also stated that subsequently, petitioner's father personally approached the respondents several times and addressed letters dated 04.12.2008, 24.12.2008, 30.12.2008, 02.02.2009 and 10.04.2009 with a repeated request for return of the original educational certificates of the petitioner. The complaint of the petitioner is that till date the respondents have not returned the original educational certificates of the petitioner herein and the petitioner assails the said action as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India.

4. During the course of hearing, learned Government Pleader has placed on record the letter bearing Lr.No.H2/10641/2009, dated 27.08.2009 addressed by the Commissioner of Technical Education, Andhra Pradesh and the said letter reads as under:

"It is brought to the notice of this office that the managements of the most of the professional Colleges in the State are insisting the students for payment of the fees for the entire course in the event of discontinuance of the course or otherwise withholding the certificates handed over at the time of admission.

In the above circumstances, the Commissioner of Technical Education, being the nodal agency hereby direct the management of all the Professional Colleges in the State not to insist for payment of the full course fee in respect of such students who want to discontinue the course at the middle and to handover the original certificates to them immediately or otherwise the matter will be viewed seriously and necessary steps will be initiated against the managements in accordance with the law."

5. It is very much clear from a reading of the above letter that the Commissioner of Technical Education issued direction to managements of all the Professional Colleges not to insist for payment of full course fee in respect of the students who want to discontinue course at the middle and handover the original certificates immediately.

6. While referring to the same, learned counsel for the petitioner has requested this court to issue necessary directions to the 3rd respondent to consider the request of the petitioner for return of the original educational certificates.

7. In view of the above and having regard the instructions issued by the

Commissioner of Technical Education, Andhra Pradesh vide Lr.No.H2/10641/2009, dated 27.08.2009, 3rd respondent is directed to take action immediately for return of the original educational certificates of the petitioner herein within six weeks from the date of receipt of a copy of this order.

8. With the above direction, Writ Petition is disposed of. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

16th November, 2015

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