

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 17.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.11587/2016 & WMP.No.9984/2016

R.Yuvaraj

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Petitioner

Versus

1.The Registrar

Saveetha University
No.162, Poonamallee High Road
Poonamallee, Chennai-600 077.

2.The Director of Law

Saveetha School of Law
Saveetha University
No.162, Poonamallee High Road
Poonamallee, Chennai-600 077.

3.The Principal

Saveetha School of Law
Saveetha University
No.162, Poonamallee High Road
Poonamallee, Chennai-600 077.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the records in official communication No.SU/SSL/DO/2016/23 dated 11.03.2016 issued by the 2nd respondent and quash the same and directing the respondents to refund the first year fee of Rs.1,75,000/- [Rupees One Lakh Seventy Five thousand only] and return all the original testimonials/certificates collected from the petitioner at the time of admission to B.A.B.L [Hons] course and also issue the Conduct/Character Certificate and Transfer Certificate.

For Petitioner :	Mr.R.Subramanian
For RR 1 & 2 :	Mr.S.Saravanan
For R3 :	No Appearance

ORDER

By consent, the writ petition is taken up for final disposal.

College to study Law Course, viz., B.A.B.L. [Hons] during the academic year 2014-2015 vide Enrollment No.131401073 and completed the I year and due to severe financial stress, he is not able to remit the fees for continuation of his studies and therefore, took a conscience decision to join the Government College where he can afford to pay the fees. The petitioner in this regard, had approached the respondents requesting them to issue the Transfer Certificate and Conduct Certificate and return all his original testimonials and since no orders have been passed, he came forward to file this writ petition.

3 The learned counsel for the petitioner has drawn the attention of this Court to the order dated 06.10.2015 made in WP.No.21777/2015 [A.Vignesh Vs. Saveetha University, Poonamallee High Road, Chennai-77 and another] and submitted that this Court, in the said case, ordered for the return of all the original testimonials, granting liberty to the concerned Institution to initiate legal appropriate proceedings to recover the fees from the petitioner therein. It is relevant to extract the said order, which reads thus:-

"20.In the light of the reasons assigned above, the respondent is directed to return the original testimonials/certificates collected from the petitioner at the time of admission to B.A.B.L [Hons] course for the academic year 2014-15 along with the Transfer Certificate and Character Certificate to the petitioner within a period of two weeks from the date of receipt of a copy of this order and the respondent is also at liberty to initiate appropriate legal proceedings to recover the sums/fees from the petitioner and also from his father."

It is further submitted that this Court, vide order dated 09.09.2015 made in WP.No.14471/2015 has also passed similar order.

3 Per contra, Mr.S.Saravanan, learned Standing Counsel appearing for the respondent / College, has drawn the attention of this Court to the counter affidavit and would submit that the petitioner has already undergone the I year course and since he wants to leave midstream, the vacancy caused on account of the petitioner leaving the College cannot be filled up till the duration of the entire course and therefore, taking into consideration of the said facts and circumstances and in the light of the undertaking given by the petitioner at the time of his admission to the College, he is liable to pay the amount required by the respondent / Institution and prays for dismissal of the writ petition.

4 This Court considered the rival submissions and also perused the materials placed before it.

5 This Court, in umpteen number of decisions, which include the above cited orders dated 06.10.2015 made in WP.No.21777/2015 and dated 09.09.2015 made in WP.No.14471/2015 has directed the Institution therein to return the original testimonials to the concerned candidates subject to the condition that they are at liberty to initiate appropriate legal proceedings to recover the amount due and payable to them.

6 Therefore, this Court, in the light of the above facts and circumstances, directs the respondents 1 and 2 / Institution to return the original testimonials of the petitioner submitted at the time of his admission along with the I year Mark Sheet as well as the Transfer and Conduct Certificates to the petitioner within a period of two weeks from the date of receipt of a copy of this order. It is also made clear that the respondents are at liberty to initiate appropriate legal proceedings against the petitioner for recovery of the amounts due and payable to them before the competent Forum.

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

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

AP

To

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Saveetha University, No.162, Poonamallee High Road
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1 cc to M/s.R.Subramanian, Advocate, sr.33369

1 cc to Mr.S.Saravanan, Advocate, sr.33455

W.P.No.11587/2016

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