

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.14272 of 2016

A.Mangayarkarasi

.. Petitioner

Vs.

1.The Controller of Examinations,  
Office of the Controller of Examinations,  
Anna University,  
Chennai-600 025.

2.Inspector of Police,  
Office of the Controller of Examinations,  
Mannargudi.

.. Respondents

(R2 suo motu impleaded as per the order dated  
05.07.2016)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned memo No.3177/COE/C23/2015-4338 dated .11.2015 undersigned dated 06.11.2015 by the respondent and quash the same as illegal and consequently direct the respondent to issue duplicate Degree Mark Sheets, Consolidated Mark Sheet and Degree Certificate based on the petitioner's representation dated 21.10.2015.

For Petitioner : Mr.K.T.S.Sivakumar

For Respondents: Mr.M.Vijayakumar for R1  
Mr.P.Sanjay Gandhi,  
Additional Govt. Pleader for R2

O R D E R

The petitioner would state that she has completed Bachelor of Engineering (B.E. Aeronautical Engineering) in the year 2007 and also passed M.B.A. The petitioner married one Mukesh Murthy on 19.03.2014 and was permanently residing at Door No.33, Church Agraharam, Mannarkudi, Thiruvavarur District and now her husband is working at abroad. It is stated by the petitioner that the marital life between her and her husband did not go well and she

was subjected to abuse and torture and in this regard, she has given a complaint before the All Women Police Station, Mannarkudi on 19.05.2014, which was registered as Crime No.4 of 2014 under Sections 498A and 406 IPC. However, the petitioner is not in a position to disclose as to whether charge sheet has been taken on file by the Court of Judicial Magistrate, Mannarkudi.

2. According to the petitioner, the following certificates are in the custody of the petitioner's husband and in-laws:

1. Birth Certificate
2. Community Certificate
3. 10<sup>th</sup> Mark Sheet
4. 12<sup>th</sup> Mark Sheet
5. B.E. (1-8 Semesters Mark Sheets)
6. B.E. Degree Certificate
7. B.E. Transfer Certificate
8. Varman Aviation (offer letter, confirmation letter, relieving letter)
9. Quest (Offer letter, promotion letter, Quest Germany Offer letter, relieving letter)
10. SDS (offer letter, confirmation letter)
11. Training Certificates
12. MIT, HCE-Seminar certificates
13. Passport

The petitioner would further state that she filed a petition for protection under Domestic Violence Act in D.V.No.4 of 2015 before the Judicial Magistrate, Mannarkudi seeking protection, compensation, return of articles, return of educational certificates and articles and her in-laws filed a petition for quash in Crl.O.P.No.13049 of 2015, wherein this Court directed her husband to handover all the educational certificates, but her in-laws handed over only her passport and wantonly refused to hand over the educational certificates. The petitioner, in this regard, has also submitted a representation dated 21.10.2015 to the first respondent and though it was received, no response is forthcoming and hence, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that the petitioner made enquiries with the first respondent for obtaining duplicate mark sheets and they are insisting for non-traceable certificate from the jurisdictional police and also drawn the attention of this Court to the final report/charge sheet submitted by the All Women Police Station, Mannarkudi to the Court of Judicial Magistrate, Mannarkudi wherein specific allegations are made as to the retention of the said certificates by her husband and in-laws and in the light of the same, there cannot be any impediment on the part of the first respondent to consider and dispose of the petitioner's representation dated 21.10.2015

4. Heard the submissions of Mr.M.Vijayakumar, learned counsel appearing for the first respondent Mr.P.Sanjai Gandhi, learned Additional Government Pleader appearing for the second respondent, who would submit that as per existing procedure, non-traceable certificate is required for issuance of duplicate mark sheets.

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

6. A perusal of the final report/charge sheet filed by the All Women Police Station, Mannagargudi to the Court of Judicial Magistrate, Mannarkudi would disclose that specific allegations are made as to the retention of the said certificates by the petitioner's husband and her in-laws. When this Court put a specific question as to whether the husband of the petitioner is available, it is informed by the learned Additional Government Pleader that he is in abroad and Look Out Circular has been issued and as and when he lands India, his custody will be secured. Therefore, in the light of the above facts and circumstances, there cannot be any impediment on the part of the respondent to issue duplicate Degree Mark Sheets, Consolidated Mark Sheet and Degree Certificate as well as the Transfer Certificate to the petitioner, based on her representation dated 21.10.2015.

7. In the result, this Writ Petition is disposed of and the first respondents is directed to consider and dispose of the petitioner's representation dated 21.10.2015 on merits and in accordance with law in the light of the observations made above and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. No costs.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

jvm

To

1.The Controller of Examinations,  
Office of the Controller of Examinations,  
Anna University,  
Chennai-600 025.

2.Inspector of Police,  
Office of the Controller of Examinations,  
Mannargudi.

+lcc to Mr.K.T.S.Sivakumar, Advocate Sr.40989

+lcc to M/S.M.Vijayakumar, Advocate Sr.40961

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W.P.No.14272 of 2016

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