

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.14273 of 2016

A.Mangayarkarasi

.. Petitioner

Vs.

1.The Director,
School Education Department,
DPI Complex,
College Road, Chennai-600 006.

2.The Secretary,
The State Board of School Examinations,
School Education Department,
DPI Complex,
College Road, Chennai-600 006.

3.The Secretary,
Board of Matriculation Examination,
School Education Department,
DPI Complex,
College Road, Chennai-600 006.

4.The Principal,
Vigneswara Matriculation Higher Secondary School,
Angalakurchi, Pollachi Taluk,
Coimbatore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st to 3rd respondents to issue duplicate Mark Sheets in respect of X and XII Standard based on the petitioner's representation dated 09.11.2015.

For Petitioner : Mr.K.T.Sivakumar

For Respondents: Mr.P.Sanjay Gandhi,
Additional Govt. Pleader for R1 to R3

O R D E R

The petitioner would state that she has completed 10th standard in the year March 2001 and secured 886 marks out of 1100 marks in Register No.812523 and TMR Code No & Date M112427 dated 18.06.2001 and thereafter, she joined Higher Secondary Course and completed the same during June 2003 and secured 1040 marks out of 1200 and was issued with XII Standard Mark Sheet in Reg.No.538189 TMR Code G114354 dated 16.05.2003. The petitioner, after completion of Higher Secondary Course, has secured 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. The grievance expressed by the petitioner is that at the time of marriage, her academic/educational certificates as well as her passport were retained by her husband and in-laws and after driven out of the matrimonial home, efforts taken to get back her certificates, proved futile. 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 CrI.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, to pursue her future career, approached the respondents 1 to 3 and applied for duplicate mark sheets by submitting a representation dated 09.11.2015 and since no response is forthcoming, came forward with this writ petition.

3. The learned counsel appearing for the petitioner would submit that the petitioner made enquiries with the respondents 2 and 3 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 respondents 2 and 3 to consider and dispose of the petitioner's representation dated 19.11.2015.

4. Heard the submissions of Mr.P.Sanjai Gandhi, learned Additional Government Pleader appearing for the respondents 1 to 3 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 respondents 2 and 3 to issue the X and XII Standard duplicate mark sheets to the petitioner.

7. In the result, this Writ Petition is disposed of and the respondents 2 and 3 are directed to consider and dispose of the petitioner's representation dated 09.11.2015 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

To

1.The Director,
School Education Department,
DPI Complex,
College Road, Chennai-600 006.

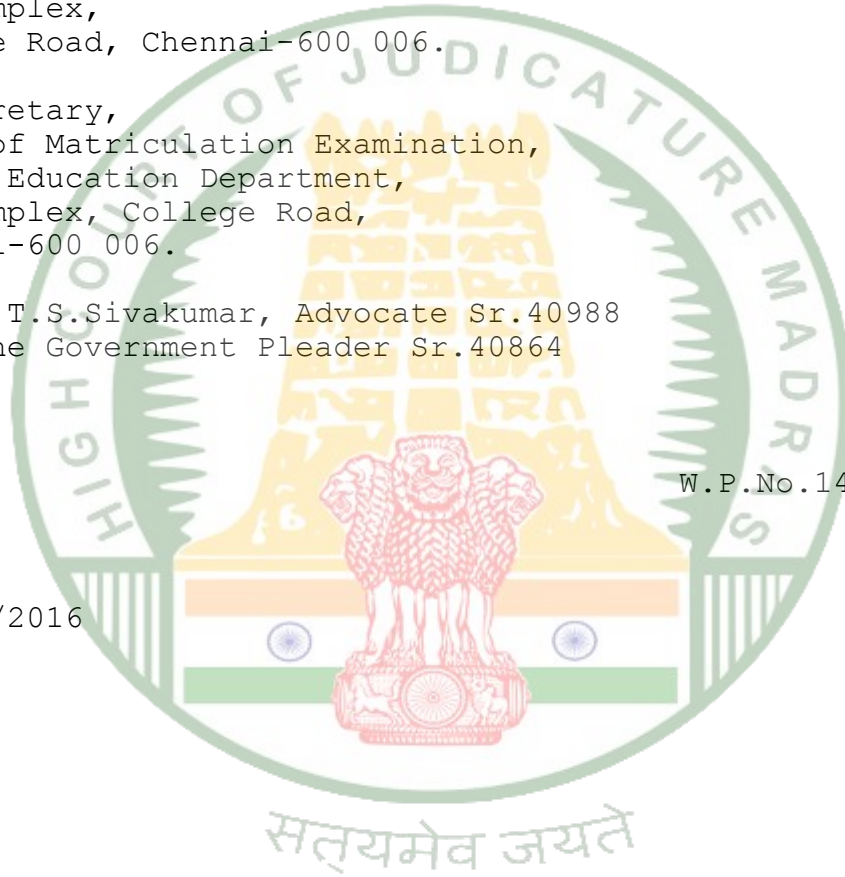
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DPI Complex,
College Road, Chennai-600 006.

3.The Secretary,
Board of Matriculation Examination,
School Education Department,
DPI Complex, College Road,
Chennai-600 006.

+lcc to K.T.S.Sivakumar, Advocate Sr.40988
+lcc to the Government Pleader Sr.40864

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