

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.31306 of 2015

B.Siva Anand

.. Petitioner

Vs.

1. The Commissioner of Technical Education
Directorate of Technical Education
Guindy, Chennai-25.

2.The Principal
Madha Institute of Engineering and Technology
Erandamkattalai Village,
Sadhananthapuram,
Thandalam Post,
Chennai-602 101.

.. Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the second respondent to relieve the petitioner from the college and return the petitioner's original education certificates and refund the fee which was collected from the petitioner.

For Petitioner : Mr.G.Peranban

For Respondents : Mr.Dig Vijay Pandian,
Addl.Govt.Pleader for R1.

ORDER

The petitioner has come forward with the present Writ Petition seeking for issuance of Mandamus to direct the second respondent to relieve the petitioner from the college and return the petitioner's original education certificates and refund the fee which was collected from the petitioner.

2.After completion of higher secondary course, the petitioner participated in the Engineering counselling and joined B.E. Course during the academic year 2013-2014, based on the merits vide Engineering allotment order dated 25.07.2013, the petitioner joined the second respondent college and paid Rs.40,000/- on 31.07.2013 and attended college for 10days, due

to his illness he discontinued his studies, besides during that period the petitioner's father was also hospitalized due to his physical ailments at Sundaram Medical Foundation and died on 07.05.2014. The petitioner was kept in dark, being only son to his parents, the petitioner has to take care of his mother and sister. Considering the family circumstances, the petitioner discontinued his studies and searched for a job.

3.The petitioner approached the second respondent in the month of September 2013 and submitted his discontinuance letter, but the second respondent refused to return the certificates and other testimonials. In this regard, the petitioner approached the first respondent on 07.03.2014, the first respondent in its letter No.8750/TAC/2014, dated 04.04.2014 directed the second respondent to return the original certificates and refund the eligible fee immediately. Thereafter also the second respondent has failed to consider the request of the petitioner. Hence, the petitioner filed the present writ petition.

4.Though notice and private notice was duly served on the second respondent, the second respondent has not chosen to appear before this Court either in person or through the learned counsel on record. Today the name of the second respondent is also printed in the cause list.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent.

6.Considering the facts and circumstances and without going into the merits of the claim of the petitioner, this Court directs the petitioner to submit fresh representation alongwith the copy of this order before the second respondent, within one week from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to pass appropriate orders with regard to return of the original educational certificates and refund of eligible fee to the petitioner, on merits and in accordance with law, within a period of two weeks, thereon.

7.The writ petition is disposed of accordingly. No costs.
tsh

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Commissioner of Technical Education
Directorate of Technical Education
Guindy, Chennai-25.

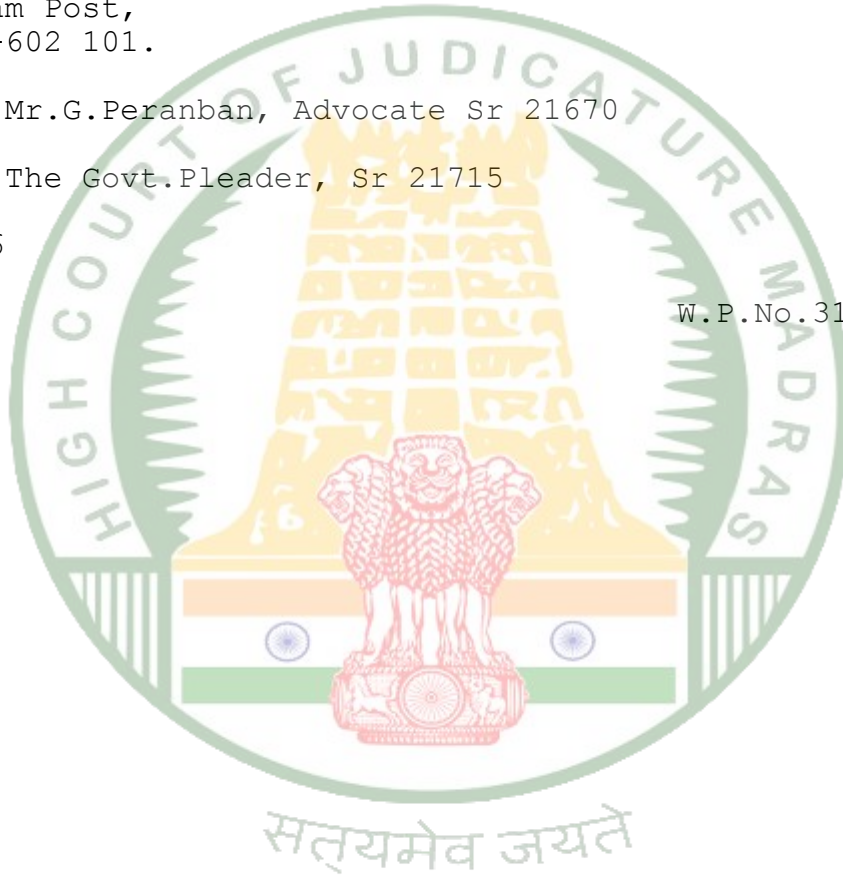
2.The Principal
Madha Institute of Engineering and Technology
Erandamkattalai Village,
Sadhananthapuram,
Thandalam Post,
Chennai-602 101.

+ 1 cc to Mr.G.Peranban, Advocate Sr 21670

+ 1 cc to The Govt.Pleader, Sr 21715

KR/27/4/16

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