

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21181 of 2016

S.Muthu Kumar

... Petitioner

Vs.

- 1 The Registrar,
Anna University,
Chennai - 600 025.
 - 2 The Director,
Centre for Student Affairs,
Anna University,
Chennai - 600 025.
 - 3 The Chairman,
Management Committee,
Sree Sastha Institute of
Engineering & Technology,
Chennai - Bangalore High Way,
Sree Sastha Nagar, Chembarambakkam,
Chennai - 600 123.
 - 4 The Principal
Sree Sastha Institute of
Engineering & Technology,
Chennai - Bangalore High Way,
Chembarambakkam,
Chennai - 600 123.
- ... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the connected records leading to the issue of the impugned order of the 4th respondent letter dated 19.05.2016 and quash the same and direct the 4th respondent to return the original certificates and issue with Transfer Certificate to the petitioner.

For Petitioner : Mr.R.Amardeep
for Tamizh Law Firm

For Respondent : Mr.M.Vijayakumar for R1 and R2
No Appearance for R3 and R4

O R D E R

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

2.The petitioner would state that he was the student of the third respondent Institution and he was selected through Tamil Nadu Engineering Admissions, 2015 by way of provisional allotment dated 17.07.2015 vide admission number 151217ME0076. The petitioner claims that he is the first graduate in his family for B.E.Mechanical Engineering. The petitioner due to his poor background, could not able to pay the fees and also his father who is the only bread winner of the family fallen sick and hence, gave a letter to the fourth respondent on 15.09.2016 stating that he want to discontinue his Engineering course and requested the third respondent to return his original certificates. However, it was not done so and the petitioner in this regard, approached the respondents 1 and 2 in the form of representation dated 30.04.2016 and the first respondent vide letter dated 09.05.2016, has advised the fourth respondent to act accordingly and the fourth respondent Institution, in response to the same has sent the impugned communication stating that he can collect all the certificate after paying all the dues from the office and challenging the legality of the same, came forward to file this writ petition.

3.The learned counsel appearing for the petitioner would submit that for non-payment of fees, the certificates cannot be retained as a lien and prayed for appropriate orders.

4.This Court also heard the submissions of Mr.M.Vijayakumar, learned Standing counsel appearing for the respondents 1 and 2. Though the names of the respondents 3 and 4 appear in the cause list, there is no representation on their behalf.

5.It is well settled law that the certificates cannot be retained as a lien with regard to the non-payment of fees and the remedy open to the respondents 3 and 4, if any, is to invoke the common law remedy.

6.In the light of the above facts and circumstances, the respondents 3 and 4 are directed to return the original testimonials/ certificates of the petitioner collected/ submitted at the time of his admission, as well as the transfer certificate, forthwith and they are at liberty to pursue the common law remedy against the petitioner for recovery of fee due, if any, in accordance with law.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

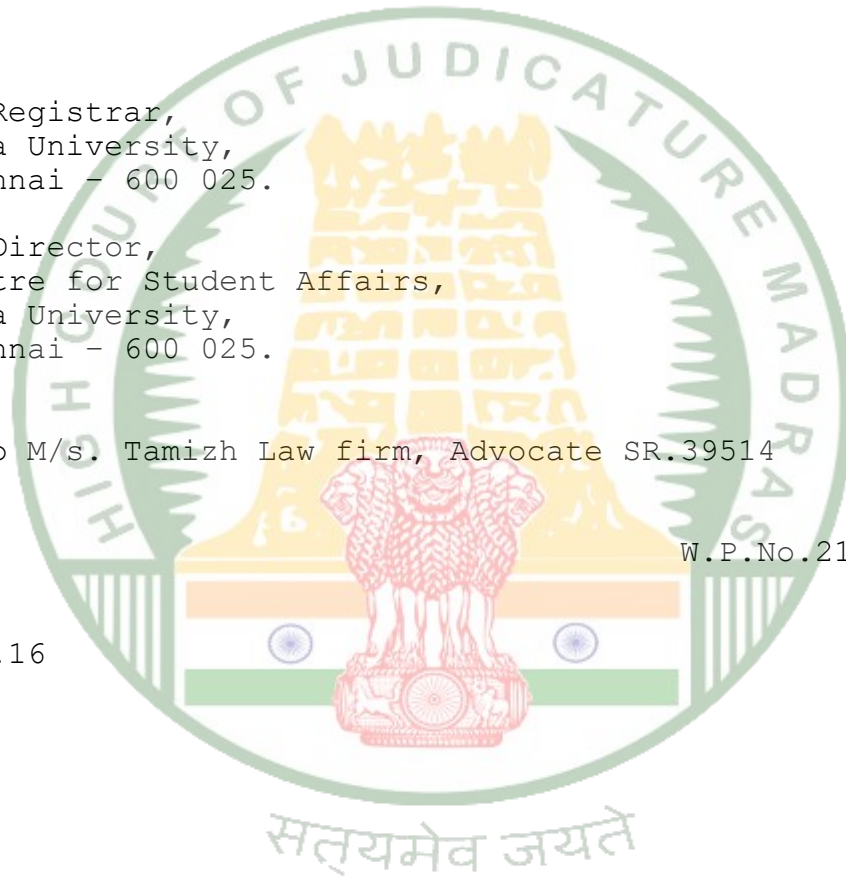
1 The Registrar,
Anna University,
Chennai - 600 025.

2 The Director,
Centre for Student Affairs,
Anna University,
Chennai - 600 025.

+ 1 cc to M/s. Tamizh Law firm, Advocate SR.39514

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RSY(CO)
EU 05.08.16



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