

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

WP.No.27801 of 2016

A.Myvizhi
D/o.Arunachalam

... Petitioner

Vs

- 1.The Principal,
Shree Venkateshwara Hi-Tech Engineering College,
Othakuthirai, Gobichettipalayam Taluk,
Erode District.
 - 2.The Correspondence,
Shree Venkateshwara Hi-Tech Engineering College,
Othakuthirai, Gobichettipalayam Taluk,
Erode District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus to direct the respondents to either allow the petitioner to appear for the 5th Semester nor to issue transfer certificate, without demanding any fees along with all original certificate, which was produced at the time of admission, enable the petitioner to join any other engineering college by considering the petitioner representation dated 26.07.2016.

For Petitioner : Mr.C.C.Sivakumar

For Respondents : Ms.S.Varsha

O R D E R

Heard Mr.C.C.Sivakumar, learned counsel appearing for the petitioner and Ms.S.Varsha, learned counsel appearing for the respondents-University.

2. The petitioner who is the daughter of Arunachalam has come forward with this Writ Petition for a dual relief which is mutually exclusive. The first limb of the relief sought is to appear for the 5th Semester B.Tech, IT course in the

respondents College or in the alternative, she wants the Transfer Certificate to be issued to her without demanding any fees along with all original certificates, which she produced at the time of admission.

3. Though there were several factual issues set out by the petitioner's counsel as well as the learned counsel for the Management, this Court does not propose to record those facts as it may tell upon the petitioner at a later point of time as this Court is a Court of record. Eschewing those facts, what is necessary to be seen is, whether the petitioner is to be permitted to appear for 5th Semester or she may be given Transfer Certificate. So far as the 5th Semester is concerned, the classes commenced in June 2016. The petitioner's name found place in the list of students in the 5th Semester, but she did not attend classes from April 2016. Therefore, the petitioner cannot appear for the 5th Semester exams. Hence, the first limb of the prayer sought for by the petitioner cannot be granted and is accordingly, rejected.

4. Moving on the second request made by the petitioner for issuance of Transfer Certificate, learned counsel for the respondents would submit that only after the 5th Semester has commenced, that too in August 2016, she made a request and if this request is acceded to, one seat would remain vacant for the remaining years and the Management will not be able to fill up the seat.

5. It is not in dispute that another student of the same respondents-Institution, who was studying B.E. Mechanical Engineering has given Transfer Certificate in a matter relateable to the petitioner. Therefore, the respondents-Institution having accepted such a prayer, nothing should prevent from doing so in the petitioner's case.

6. Learned counsel for the respondents-Institution would point out that the petitioner has paid only part of the 4th Semester fees and the full 5th Semester fees is payable.

7. Considering the fact that the petitioner had not attended classes for the 5th Semester and taking into consideration, the economic background from which the petitioner comes, this Court deems it appropriate to waive the payment of the 5th Semester fees, subject to the condition that the remaining amount of the 4th Semester fees is paid by the petitioner. Accordingly, the Writ Petition is disposed of by directing the petitioner to pay the balance fees, a sum of Rs.20,600/- [Rupees twenty thousand six hundred only] for the 4th Semester of B.Tech IT course and on such remittance, the respondents-Institution shall not demand any fees for the 5th Semester, which stands waived and the respondents shall issue Transfer Certificate and return all original certificates to

the petitioner and also issue the necessary Conduct Certificate without any adverse entry. No costs.

Sd/-
Assistant Registrar(CS IV)

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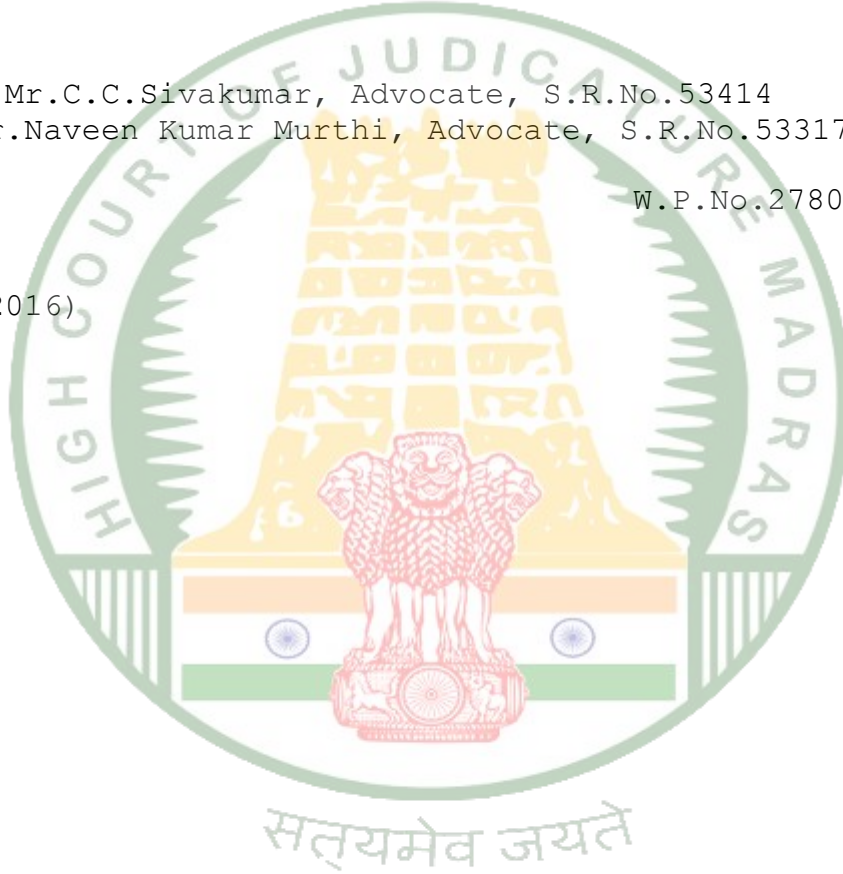
Sub Assistant Registrar

gya

+2cc's to Mr.C.C.Sivakumar, Advocate, S.R.No.53414
+1cc to Mr.Naveen Kumar Murthi, Advocate, S.R.No.53317

W.P.No.27801 of 2016

BVR(CO)
CA(27/09/2016)



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