

IN THE HIGHER COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.32132 of 2016

P.Vetrivel

.. Petitioner

Vs

1.The Chairman,
The University Grants Commission,
New Delhi.

2.The Registrar,
Karpagam Deemed University,
Eeachanari,
Coimbatore.

3.The Controller of Examinations,
Karpagam Deed University,
Eeachanari,
Coimbatore

.... Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of mandamus directing the respondents herein to forthwith furnish the petitioner Automobile Engineering Degree Certificate, (convocation) course completion certificate and also the Transfer Certificate on the basis of the petitioner's representation dated 1.8.2016 within the time stipulated by this Court.

For petitioner

: Mr.R.Bharanidharan for
M/s.T.Shanmugam

For Respondents

: Mr.S.Saravanan for R2 and R3
Mr.Abdul Majeed for R1

ORDER

This writ petition has been filed seeking a direction to the respondents to furnish the petitioner Automobile Engineering Degree Certificate (convocation) course completion certificate and also the Transfer Certificate, on the basis of his representation dated 01.08.2016.

2. It is the case of the petitioner that he completed Diploma in Automobile Engineering, in the second respondent University, during the year 2015. It is also stated that the petitioner was already issued with the Statement of Marks and Provisional Degree Certificate. But, the second respondent University is refusing to issue (1) Degree certificate (2) Course Completion Certificate and (3) Transfer Certificate, for the reasons best known to them. Hence, the petitioner is before this Court with this writ petition.

3. It is the grievance of the petitioner that in view of an incident which happened outside the College, FIR was registered against him and he is contesting the same. But in view of the same, the second respondent College is refusing to give the Transfer Certificate, citing the pendency of the FIR.

4. The learned counsel for the respondents 2 and 3 would contend that as per the University Rules, if a person is involved in a criminal case, whether it happened inside the college campus or outside the campus, he can be sent out by giving a Transfer Certificate and the petitioner has already been suspended during that period. Only by virtue of the Court order, he was permitted to write the examination. Therefore, the University is keeping the matter pending.

5. As far as the first respondent/University Grants Commission is concerned, they are not in any way concerned.

6. Heard the learned counsel on both sides and also perused the records carefully.

7. As rightly pointed out by the learned counsel for the second respondent, the Rules provide that in case if a student is involved in a criminal case and a First Information Report is registered against him/her, then he/she is liable to be expelled from the college, giving Transfer Certificate. In this case, ultimately, the petitioner has been suspended from the College and he was permitted to write the examination only because of the interim order passed by this Court.

8. Be that as it may. Now the petitioner wants the Transfer Certificate. As per the Rules, he can be sent out by giving Transfer Certificate. Therefore, Transfer Certificate can be given to the petitioner. However, this Court makes it clear that it is for the authorities to decide regarding the conduct of the petitioner. But, at the same time, the future of the student shall also be taken into consideration and accordingly, the second respondent college shall give Transfer Certificate to the petitioner appropriately.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Chairman,
The University Grants Commission,
New Delhi.

2.The Registrar,
Karpagam Deemed University,
Eeachanari,
Coimbatore.

3.The Controller of Examinations,
Karpagam Deed University,
Eeachanari,
Coimbatore

+1cc to Mr.T. Shanmugam, Advocate, S.R.No.71902
+1cc to Mr.S. Saravanan, Advocate, S.R.No.72016

rp(CO)
md(22/12/2016)

WP No.32132 of 2016

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