



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.20233 of 2016

S.Arish

...Petitioner

Vs.

1.The Principal,
Subbulakshmi Lakshmipathi College of
Science, TVR Nagar,
Madurai.

2.The Director,
Office of the Director of Collegiate
Education, 9th Floor, EVK Sampath Buildings,
College Road, Chennai 6.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to issue the Transfer Certificate and the originals of Secondary School Leaving Certificate Higher Secondary Course Certificate and to take belongings from the hostel.

For Petitioner	: Mr.A.John Vincent
For 1 st Respondent	: Mr.T.Cibi Chakraborty
For 2 nd Respondent	: Mr.N.S.Karthikeyan, Additional Government Pleader.

ORDER

The petitioner has come up with this writ petition seeking for the issuance of a writ of mandamus, to direct the first respondent to issue Transfer Certificate and original certificates of Secondary School Leaving Certificate, Higher Secondary Course Certificate and permit him to take his belongings from the hostel.

2.Heard Mr.A.John Vincent, learned counsel appearing for the petitioner, Mr.T.Cibi Chakraborty, learned counsel appearing for the first respondent and Mr.N.S.Karthikeyan, learned Additional Government Pleader appearing for the second respondent.

3.According to the petitioner, he was intended to join B.Sc., Film and Television Production course in the first respondent college and has also paid for the above said course but the first respondent college has only permitted the petitioner to join B.Sc., Animation Course. However, the petitioner has continued the said course under the expectation that the first respondent college will change the course to Film and Television Production till the first semester examination and thereafter, the



first respondent college did not permit the petitioner to change the course and hence, he left the college and joined in Vel's University, at Pallavaram. It is further stated that since all the original certificates were lying with the first respondent college, he sent a notice dated 25.01.2016 through his mother. Since, no reply has been received by the petitioner, the present writ petition has been filed.

4. Disputing all the allegations averred by the petitioner in the affidavit filed in support of this writ petition the first respondent filed a counter affidavit. However, today, when the matter is taken up for hearing, learned counsel appearing for the first respondent college submitted that the first respondent college is willing to return all the original certificates provided the petitioner has to make necessary application for the same without prejudice to their rights to take any legal action against the petitioner.

5. In the above circumstances, without going into the allegations and counter allegations made in the writ petition, the petitioner is directed to approach the first respondent college and make necessary application seeking his original certificates and in the event of filing such application, the first respondent is directed to return all the original certificates and permit the petitioner to take his belongings from the hostel, if it is available.

6. At this juncture, learned counsel appearing for the first respondent college would submit that there is tuition fee arrears payable by the petitioner to the first respondent college for which liberty may be given to the first respondent to recover the same from the petitioner. It is always open to the first respondent to approach the competent forum for recovery of arrears payable by the petitioner in the manner known to law.

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

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS)

To
The Director,
Office of the Director of Collegiate Education,
9th Floor, EVK Sampath Buildings, College Road,
Chennai 6.

+1cc to M/s.A.John Vincent, Advocate in SR.71385
+1cc to M/s.T.Cibi Chakraborty, Advocate in SR.71519
+1cc to the Special Government Pleader, in SR.71637

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