



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P(MD)No.22640 of 2016

and

W.M.P. (MD)No.16203 of 2016

A.Sakthimuni

.. Petitioner

Vs.

1.The Director,
Directorate of Higher Education Department,
College Road, Chennai 600 006.

2.The Director,
R.V.S.Educational Trust's Group of Institutions,
R.V.S. School of Engineering and Technology,
RVS Nagar, Karur Road,
Dindigul 624 005.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to issue petitioner original certificates of 1) Higher Secondary Mark Statement 2) Transfer Certificate and 3) Community Certificate.

For Petitioner : Mr.S.M.Anusha

For Respondents : Mr.A.Muthukaruppan

Additional Government Pleader for R1

No Appearance for R2

O R D E R

The petitioner seeks for a Mandamus directing the second respondent to return the original certificates viz., 1) Higher Secondary Mark Statement 2) Transfer Certificate and 3) Community Certificate of the petitioner.

2.In this writ petition, though notice was ordered to the second respondent, they have not chosen to appear either in person or through counsel. Today, when the matter is listed, the second respondent name is printed in the cause list.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The grievance of the petitioner is that the second



respondent is not returning the above said documents to the petitioner, even though he discontinued the course for want of financial assistance to pay the college fees.

4. The learned counsel for the petitioner relied on an unreported decision of this Court made in W.P.(MD)No.14394 of 2012, dated 18.12.2012, wherein the learned Judge has observed that the certificates of the students cannot be retained for the purpose of collecting the balance fees. The second respondent has not chosen to come forward and defend their stand inspite of notice issued to them. Therefore, this Court has to consider the case of the petitioner and pass orders in the light of the order already passed in identical circumstances, as stated supra. Therefore, I find that the petitioner is entitled to succeed.

5. Accordingly, the writ petition is allowed and the second respondent is directed to return the original certificates viz., 1) Higher Secondary Mark Statement 2) Transfer Certificate and 3) Community Certificate, to the petitioner within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writ)

/True Copy/

Sub Assistant Registrar

rj2

To

1. The Director,
Directorate of Higher Education Department,
College Road, Chennai 600 006.

2. The Director,
R.V.S. Educational Trust's Group of Institutions,
R.V.S. School of Engineering and Technology,
RVS Nagar, Karur Road,
Dindigul 624 005.

+1cc to M/S S. Anusha Advocate Sr.No._80705

+1cc to Spl. Government Pleader Sr.No. 80882

JAM/23.12.16/MPA/2p-5c

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