

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.17951 of 2015
and
MP.No.1 of 2015

S.Dhanalakshmi

... Petitioner

Vs.

1. State of Tamil Nadu
Rep. Secretary to Government
Higher Education Department
Fort St.George,
Chennai-600 009.
2. Tamil Nadu Teacher Education University
Represented by Registrar
Lady Wellington Campus,
Chennai-5.
3. Annai Educational Charitable Trust
Annai College of Education
By its Correspondent
Athapur Patti
Vazhapadi Taluk, Salem District.

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India,
for issuance of a Writ of Mandamus, directing the 3rd respondent to

return back to the petitioner all the original certificates namely (1) 10th Mark Sheet, (2) +2 Mark Sheet, (3) B.A. (Eng) Degree Mark Sheets, (4) Transfer Certificate (5) Convocation Degree Certificate and (6) Community Certificate within a period fixed by this Hon'ble Court.

For Petitioner : Mr.s.Balasubramanian

For Respondents : Mr.A.Kumar

Special Government Pleader, For R1

Mr.U.Venkatesan,

Standing Counsel, for R2

R3 - No appearance

(name printed in the cause list)

ORDER

Heard Mr.S.Balasubramanian, learned counsel appearing for the petitioner, Mr.A.Kumar, learned Special Government Pleader appearing for the first respondent and Mr.U.Venkatesan, learned Standing Counsel appearing for the second respondent.

2. Though notice was served on the third respondent, they have not chosen to appear either in person or through counsel. The name of the third respondent is printed in the cause list today.

3. The petitioner seeks for a mandamus, directing the third respondent to return back all the original certificates viz., (1) 10th Mark

Sheet, (2) +2 Mark Sheet, (3) B.A. (Eng) Degree Mark Sheets, (4) Transfer Certificate (5) Convocation Degree Certificate and (6) Community Certificate to the petitioner. It is stated that the petitioner who got admitted in B.Ed., course in the third respondent / college was not successful in getting the degree, since the very admission of the petitioner was found to be illegal later. Therefore, the petitioner sought for returning of the above original certificates from the third respondent and such request is not considered so far. Therefore, the petitioner approached this Court and filed the present writ petition.

4. The learned counsel appearing for the second respondent / University submitted that the University is not having any objection for returning all the original certificates to the petitioner by the third respondent.

5. Since the relief sought for in this writ petition is against the third respondent and considering the fact that the third respondent has not chosen to oppose this writ petition by entering their appearance before this Court, this Court is left with no other option, but to accept

the case of the petitioner, based on the averments, made in the affidavit filed in support of the writ petition. Accordingly, this writ petition is allowed and the third respondent is directed to return all the original certificates viz., (1) 10th Mark Sheet, (2) +2 Mark Sheet, (3) B.A. (Eng) Degree Mark Sheets, (4) Transfer Certificate (5) Convocation Degree Certificate and (6) 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.

06.07.2017

Speaking/Non-speaking order

Index : Yes/No

mk

Note: Issue order copy next week

To

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K.RAVICHANDRABAABU,J.

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W.P.No.17951 of 2015

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