

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.07.2017
CORAM
THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU
W.P.No.19292 of 2017
and
WMP.No.20798 of 2017

Minor S.Aravind
Represented by Father / Natural Guardian
Sivakumar ... Petitioner

vs.

The Secretary
The Tamilnadu Engineering Admission,
Anna University,
Chennai. Respondent

PRAYER:

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondent to admit the minor petitioner S.Aravind for admission to B.E. degree course for the academic year 2017-2018 consequentially allot a seat in a College of his choice commensurate to his cut off mark of 194.5 under MBC category without insisting on producing the Original Transfer Certificate.

For Petitioner : Mr.V.Vijay Shankar
For Respondents: Mr.L.P.Shanmugasundaram
Standing Counsel

O R D E R

The petitioner seeks for a mandamus directing the respondent to admit him for admission to B.E. degree course for the academic year 2017-2018 and consequentially allot a seat of his choice commensurate to his cut off mark of 194.5 under MBC category without insisting him producing the original transfer certificate.

2. Pending disposal of the writ petition, the petitioner seeks for an interim direction, directing the respondent to permit him to participate in the counselling for admission to B.E. degree course for the academic year 2017-2018 commensurate with his cut off mark of 194.5 under MBC category.

3. Mr.L.P.Shanmugasundaram, learned standing counsel takes notice for the respondent. By consent of the parties, the main writ petition itself is taken up for final disposal at the

admission stage.

4. The case of the petitioner is as follows:

The petitioner studied Higher Secondary School at St.Mary of Leuca Matric Hr.Sec. School, Madurai and passed the Higher Secondary Examination in March 2017 by obtaining 1142 marks with cut off 194.5 marks. He applied for admission to the Engineering course and was called for the counselling on 24.07.2017 at Chennai. At that time, the petitioner found that the original transfer certificate issued by the said school was missing and however a copy was available. By way of abundant caution, the petitioner requested the school to issue the duplicate transfer certificate and the school by way of their communication dated 22.07.2017 assured the petitioner to issue the duplicate transfer certificate. However, when the petitioner appeared before the respondent for counselling on 24.07.2017, he was refused permission to take part in the counselling on the ground that his original transfer certificate was not produced. Therefore, after making a representation on 25.07.2017, seeking permission to take part in the counselling and getting no response from the respondent, the petitioner filed the present writ petition.

5. The learned counsel for the petitioner submitted that the petitioner is a meritorious candidate, having obtained the cut off mark of 194.5 under MBC category, cannot be denied an opportunity to get admission in the Engineering course, simply because he is not in a position to produce the original transfer certificate, even though he is having a xerox copy of the same. He further submitted that the school has also issued a communication to the respondent supporting the petitioner's case with regard to the loss of the original transfer certificate also by assuring for the issuance of duplicate transfer certificate soon.

6. On the other hand, the learned standing counsel appearing for the respondent, based on written instructions, submitted that as per the instructions given to the candidates, they should come with the original certificates and if the petitioner is not in a position to produce the original transfer certificate, he cannot be permitted to take part in the counselling.

7. From the above narrated facts and circumstances, it is evident that the original transfer certificate of the petitioner is lost and only the xerox copy of the same is available with the petitioner. The school which has issued the original transfer certificate also by way of communication dated 22.07.2017 informed the respondent that the petitioner has lost his transfer certificate and the xerox copy of the same can be

accepted as original. Apart from saying so, the school has also intimated the respondent that the duplicate transfer certificate will be provided from the school very soon. When that being the case of the petitioner supported by the said school as well, I do not think that the respondent is justified in refusing permission to the petitioner to participate in the counselling, especially, when he is in a position to produce the xerox copy of the transfer certificate. No doubt, the permission to take part in the counselling and consequent admission if any, is always subject to the production of the duplicate transfer certificate to be issued by the school and therefore, the interest of the respondent will be safeguarded if an undertaking is obtained from the petitioner to that effect.

8. Considering the above states facts and circumstances, this writ petition is disposed of as follows:-

(a) The respondent shall permit the petitioner to take part in the counselling based on the xerox copy of the transfer certificate as such available with the petitioner, however, after obtaining a letter of undertaking from the petitioner stating that the duplicate transfer certificate issued by the school shall be produced immediately on receipt of the same.

(b) The petitioner shall take all effective and urgent steps to get the duplicate transfer certificate from the concerned school and produce the same before the respondent immediately on receipt of the same.

No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

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To

The Secretary
The Tamilnadu Engineering Admission,
Anna University, Chennai.

+1 cc to Mr.L.P.Shanmugasundaram Advocate sr 52914
+1 cc to Mr.V.Vijay Shankar Advocate sr 52943

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