



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2017

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.996 of 2017

Praveen

... Petitioner

Vs.

1.The Director of Technical Education
Directorate of Technical Education
Guindy
Chennai-600 025

2.The Principal
Thanapandian Polytechnic College
Thangapandiyan Nagar
Austinpatti Post
Madurai - 625 008

... Respondents

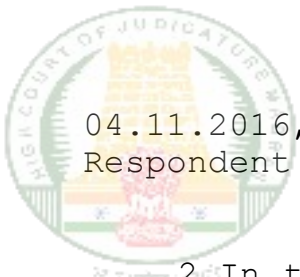
Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondent No-1 to take necessary action against the 2nd Respondent to return the Petitioner's original Certificates viz, 10th Standard Mark List, Transfer Certificate and Community Certificate by considering the Petitioner's representation dated 04.11.2016 in the light of the proceedings passed by the 1st Respondent in Letter No:36919/TAC/2016 dated 01.12.2016 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.Muthukaruppan
Addl. Government Pleader for R1
R2-No Appearance

ORDER

This writ petition is filed seeking for a Mandamus directing the first respondent to take necessary action against the 2nd respondent to return the petitioner's original Certificates, viz, 10th Standard Mark List, Transfer Certificate and Community Certificate by considering the petitioner's representation dated



04.11.2016, in the light of the proceedings passed by the 1st Respondent in Letter No:36919/TAC/2016 dated 01.12.2016.

2. In this writ petition, notice was ordered to the respondents. Out of whom, the first respondent is being represented by the learned Additional Government Pleader. Though notice was served on the second respondent, he has not chosen to appear before this Court either in person or through counsel. On the other hand, his name is printed in the cause list today.

3. The case of the petitioner is that he joined the second respondent Institution in D.M.E course and due to certain family circumstances, he could not continue his study. Consequently, after discontinuing his study, the petitioner sought for return of the original certificates from the second respondent Institution. The same was not returned and therefore, he approached the first respondent, who in turn, through his proceedings dated 01.12.2016, directed the second respondent to release the original certificates to the petitioner immediately.

4. It is contended by the learned counsel appearing for the petitioner that even after such an order is passed by the first respondent, the second respondent has not chosen to return the certificates so far.

5. From the perusal of the communication issued by the first respondent to the second respondent dated 01.12.2016, it is evident that the second respondent was already directed to return the original certificates to the petitioner. However, for the reasons best known to the second respondent, the certificates are not returned to the petitioner so far. Though an opportunity was given to the second respondent to put forth his case before this Court, he has not chosen to utilize such opportunity by entering appearance in this matter. Therefore, this Court has no other option except to consider the claim of the petitioner and pass orders on the facts as available before this Court and in the light of the communication already issued by the first respondent to the second respondent, dated 01.12.2016.

6. The petitioner after joining the D.M.E., course in the second respondent Institution, has discontinued due to certain unavoidable family circumstances. After discontinuation of the course, the petitioner sought for return of the certificates. The second respondent has not returned the certificates so far. The first respondent in turn has already directed the second respondent to return those certificates through communicate dated 01.12.2016.

7. Considering the above facts and circumstances, this writ petition is allowed and the second respondent is directed to return the original certificates referred to in the writ petition, within a



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period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The Director of Technical Education
Directorate of Technical Education
Guindy
Chennai-600 025

2.The Principal
Thanapandian Polytechnic College
Thangapandiyan Nagar
Austinpatti Post
Madurai - 625 008

+1 cc to Mr. R.KARUNANIDHI ,Advocate, Sr.No: 6327

SKN

MAS/CM-MSA/SAR1:21.02.2017:3P/4C

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