



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

WEB COPY

Writ Petition (MD) No.23795 of 2016

Rajavel

...Petitioner

Vs.

1. The Dean,
Nalanda College of Agriculture,
Tituchi-chennai National Highways,
Nedungur, Tiruchi-621105.

2.The Chairman,
Sangamirtham Social Trust,
D.No.67, Madurai Main Road,
Crawford, Tiruchi-620012.

3. The Registrar,
Tamilnadu Agriculture University,
Coimbatore.

4. The Secretary to Government,
Agriculture Department,
Government of Tamilnadu,
Fort St.George, Chennai.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to take necessary action to return the certificates and other testimonials of the petitioner's daughter namely Jeyapriya along with the said sum of Rs.4,00,000 paid by him on 28.07.2016 at the time of admission to the first year B.Sc(Agri) course in the college of the Respondents No.1 and 2 together with the personal belongings of his daughter.

For petitioner	: Mr.V.Kannan
For R1 and R2	: Mr.D.Selvaraj
For R3	: Mr.A.Thirumoorthy
For R4	: No appearance

O R D E R

This writ petition has been filed seeking issuance of Writ of Mandamus directing the respondents to take necessary action to return the certificates and other testimonials of the petitioner's daughter namely Jeyapriya along with the said sum of Rs.4,00,000 paid by him on 28.07.2016 at the time of admission to the first year B.Sc(Agri) course in the college of the Respondents No.1 and 2 together with the personal belongings of his daughter.



2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent. There is no representation for the fourth respondent.

3. The petitioner's daughter was admitted in the first year B.Sc., Agriculture Course in the first respondent College. At the time of admission, the petitioner's daughter produced the following certificates:

- 1) 10th Mark Sheet
- 2) 12th Mark Sheet
- 3) Transfer Certificate
- 4) Community Certificates.

4. While undergoing the course, it appears that the petitioner's daughter got admission in B.S.M.S Course on Siddha Medical College at Thiruvattar. Therefore, the petitioner would not continue her studies in the first respondent College and she discontinued her studies. Thereafter, the petitioner made a representation on 29.08.2016 for refund of the amount paid to the first respondent College and for returning all the certificates produced by her at the time of admission.

5. According to the petitioner, the first respondent College refused to refund the payment of Rs.4 lakhs and to return all the Certificates to the petitioner. Therefore, he has approached this Court seeking the relief as stated supra.

6. When the matter is taken up for hearing, the learned counsel appearing for the petitioner would submit that the petitioner is not insisting for refund of the amount of Rs.4 lakhs paid by the petitioner at the time of admission. He would further submit that the petitioner is only insisting for return of certificates, which were produced by the petitioner.

7. The action of the first respondent College, in not returning Certificates produced before it, cannot be countenanced in law since they have no right to retain the certificates in view of the subsequent discontinuation of the petitioner's daughter from studies. Withholding of the Certificates would be prejudicial to career prospects of the petitioner's daughter. Even otherwise, the first respondent College cannot retain the Certificates and the same is without any authority on law.

8. In view of the above stated facts and circumstances of the case, the first respondent College is directed to return all the Certificates produced by the petitioner's daughter at the time of her admission within a period of one week from the date of receipt of copy of this order.



9. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

WEB COPY /True Copy/

Sub Assistant Registrar

To

1. The Dean,
Nalanda College of Agriculture,
Tituchi-chennai National Highways,
Nedungur, Tiruchi-621105.
2. The Chairman,
Sangamirtham Social Trust,
D.No.67, Madurai Main Road,
Crawford, Tiruchi-620012.
3. The Registrar,
Tamilnadu Agriculture University,
Coimbatore.
4. The Secretary to Government,
Agriculture Department,
Government of Tamilnadu, Fort St. George,
Chennai.

+1cc to M/S.A.THIRUMURTHY, Advocate SR.No.19170
+1cc to M/S.D.SELVARAJ Advocate SR.No.19204
+1cc to M/S.V.KANNAN Advocate SR.No.50442

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JM/SKN RSK/SAR 3/17.04.2017/3P/8C