

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2018

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.6396 of 2012

T.Raguram

... Petitioner

Versus

1. The Director of Technical Education,
Government of Tamil Nadu,
Anna University, Chennai - 600 025.
2. The Registrar,
Anna University,
Chennai - 600 025.
3. The Joint Director,
All India Council for Technical Education (AICTE),
Southern Region,
Sasthri Bhavan, Chennai - 600 036.
4. Thiru.T.D.Naidu,
The Chairman, Deen Dayal Engineering College,
Having its Administrative Office at
No.5110, 'H' Block, 1st Street,
12th Main Road, Anna Nagar,
Chennai - 600 040.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 4th respondent to return all the original certificates of the petitioner herein with in a reasonable time.

For Petitioner : Mr.R.Rengaramanujam

For Respondents: Mr.A.Rajaperumal, AGP, for R1
Mr.L.P.Shanmugasundaram, for R2
Mr.A.L.Ganthimathi, for R3

O R D E R

This Petition has been filed for issuance of a Writ of Mandamus, directing the 4th respondent to return all the original certificates of the petitioner herein within a reasonable time.

2. The petitioner stated that he got admission for I year B.E. in the fourth respondent-College for the academic year 2005-06. At the time of admission, he submitted his original documents, viz., X Mark Statement, +2 Mark Statement, Conduct Certificate, Community Certificate, etc. to the fourth respondent College.

3. It is the case of the petitioner that no infrastructure facilities were available in the fourth respondent Institution, as per the AICTE norms and that there were no adequate and qualified members to teach the subjects. Therefore, the students requested the fourth respondent-College to improve the facilities, but their efforts failed. Thereafter, the students made several complaints to the respondents 1 to 3 herein, and hence, they inspected the College and the first respondent transferred all the students to various Colleges. Since it was directed by the first respondent that the students should be admitted in other Colleges without insisting on the production of certificates, they were admitted without production of certificates. The petitioner stated that he joined in the transferred College, viz., Adhiyaman College of Engineering, Hosur during the second semester of the first year of academic year 2005-06 and he successfully completed the B.E. Degree Course.

4. The grievance of the petitioner is that despite request being made by the petitioner before the fourth respondent for return of documents, the fourth respondent has not given them. Hence, the petitioner filed this Writ Petition stating that the fourth respondent College is illegally withholding his original certificates taken from him at the time of admission in the first year B.E., and seeks further direction to the fourth respondent to return the documents.

5. The petitioner is the owner of the certificates, viz., Mark Sheets, Community Certificate, granted to him as per the provisions of several statutes. The fourth respondent, which is only an Educational Institution, has no right to withhold any documents or certificates produced by the petitioner at the time of getting admission. In such circumstances, the fourth respondent cannot retain the documents for any reason. Even if there are any dues, the Management has no right to withhold the documents as a lien specified under Section 171 of the Indian

Contract Act. The matter is settled by this Court earlier in a batch of Writ Petitions in W.P.Nos.6650 of 2008, etc. batch of cases, dated 14.07.2008 and W.P.No.23038 of 2008, etc. batch of cases, dated 13.04.2009. The fourth respondent cannot take advantage of his own mistake to do harm to the students.

6. As a result, the Writ Petition is allowed and the fourth respondent is directed to return all the original certificates to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Director of Technical Education,
Government of Tamil Nadu,
Anna University, Chennai - 600 025.
2. The Registrar,
Anna University,
Chennai - 600 025.
3. The Joint Director,
All India Council for Technical Education (AICTE),
Southern Region, Sasthri Bhavan, Chennai - 600 036.

+1cc to Mr.R.Rengaramanujam, Advocate, S.R.No.60516

+1cc to Mr.Al.Ganthimathi, Advocate, S.R.No.60748

+1cc to the Government Pleader, S.R.No.60855

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SJ(CO)
GSP(20/09/2018)

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