



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2219 of 2018

R.Bhuvaneswari

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Deputy Registrar/Managing Director,
Ramanathapuram District Consumer
Co-operative Wholesale Ltd.(RDCCWS)
No.265-F, Vandikara Street,
Ramanathapuram,
Ramanathapuram District.

3. The Manager,
Ramanathapuram District Consumer Co- operative Wholesale Ltd.
(RDCCWS)
No.265-F, Vandikara Street,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent No.1 to return the petitioner's original Education certificates which has been submitted to first respondent such as 1)Higher secondary Mark statement, 2)Transfer Certificate (Sr.No.1781), 3)Diploma in Pharmacy Course Mark Statement (Oct-2011), 4)Diploma in Pharmacy Course completion certificate 6) Practical Training Contract Forum for Pharmacists Certificate, 7) Diploma in Pharmacy Certificate, 8) Pharmacist Registration Certificate (26.08.2013), 9)Certificate to be produced by student Pharmacists after completion of practical Training, by considering petitioner's representations dated on 09.10.2017 and 20.11.2017 respectively within the time stipulated time by this Court.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mrs.S.Srimathy, Spl.G.P. For RR1 & 2
Mr.M.Murugan,
Government Advocate for R3

**ORDER**

The petitioner was working as a Pharmacist under the third respondent. The petitioner got appointed in the year 2015. He left the job on 13.08.2017. The petitioner is now on the look out for better employment opportunities. But the original Educational certificates of the petitioner are lying with the second respondent. The petitioner called upon the second respondent to return her original educational certificates. The second respondent has however taken a stand that the writ petitioner is liable to pay a certain amount of money to the Society and that unless the said liability is cleared, the certificate would not be returned. Aggrieved by the stand of the second respondent, this writ petition has been filed.

2.The stand of the second respondent is clearly unreasonable. It is to be consistently held that the right of the lien cannot be exercised over the educational certificates. If the second respondent is of the view that the writ petitioner is financially liable, it is open to the second respondent to take appropriate civil proceedings for recovering the said amount, Citing it as a reason, the certificate of the second respondent cannot be retained. This is because the educational certificates of the writ petitioner are not marketable commodities.

3.The respondents 2 and 3 are directed to hand over the original educational certificates of the petitioner forthwith without any delay. The writ petition stands allowed. No costs.

Sd/-

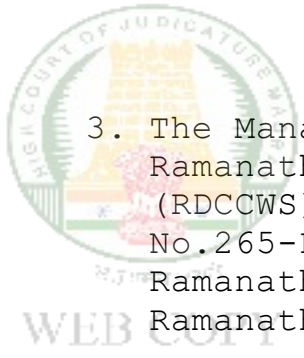
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Deputy Registrar/Managing Director,
Ramanathapuram District Consumer
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Ramanathapuram,
Ramanathapuram District.

+ 1 cc TO Mr.D.Balamurugapandi , Advocate in SR No. 46721
+ 1 cc TO The Special Government Pleader in SR No. 46857

Arul
AE/RSK/SAR1/09.02.2018/3P/6C

W.P (MD) No.2219 of 2018
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