



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) No.13126 of 2018

WEB COPY

M.Nagavalli

... Petitioner

vs.

1.The Director,

Directorate of Engineering Colleges,
Government of Tamil Nadu,
Guindy, Madras.

2.The Principal,

MAM School of Engineering,
Trichy Chennai Trunk Road,
Siruganur, Trichy 621 105.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to return all my son, namely, M.Murugesh Pandian's Original Transfer Certificate, Original Mark Statement, Original Community Certificate and all other certificates based on his representations dated 29.05.2018 and the petitioner's representation dated 14.06.2018.

For Petitioner : Mr.S.Muthalraj

For R1 : Mr.N.Shanmuga Selvam

Additional Government Pleader

For R2 : No appearance

O R D E R

The petitioner's son, who had joined the second respondent College for B.E. Engineering Course, was unable to join classes for the admission, on account of his inability to pay the tuition fees. Hence, on 14.05.2018, when the petitioner had requested the second respondent to return back the Original Certificates of his son including the Transfer Certificate, Mark Statement and Community Certificate, there was no response from the second respondent and hence the present Writ Petition has been filed.

2. Though notice has been served on the second respondent and his name is also printed in the cause list, none appears on their behalf. I do not find any justification on the part of the second respondent in failing to return the Original Certificates of the petitioner's son, when he has specifically informed the second respondent that his son does not intend to pursue the course. It is further seen that since the petitioner's son has not been paid



the fees to the second respondent College, it cannot be said that the petitioner's son has been validly admitted to the College. In the absence of such admission, the second respondent may not be justified in retaining the Original Certificates.

3. In the result, the petitioner is entitled to succeed. Accordingly, the Writ Petition stands allowed with the direction to the second respondent to return the Original Transfer Certificate, Original Mark Statement and Community Certificate and all other Certificates / documents of the petitioner's son, namely, M.Murugesh Pandian, that may be in the custody of the second respondent, within a period of one week from the date of receipt of a copy of this order. No costs.

Sd/

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1.The Director,
Directorate of Engineering Colleges,
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Guindy, Madras.

2.The Principal,
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+1cc to Mr.S.MUTHALRAJ, Advocate, SR.No. 72049

W.P. (MD) No.13126 of 2018
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