



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.15770 of 2018

Palraj.R

: Petitioner

Vs.

1. The Vice Chancellor,
Annamalai University,
Annamalai Nagar,
Chidambaram.

2. The Register
Annamalai University,
Annamalai Nagar,
Chidambaram.

3. The Medical College Dean,
Rajamuthaiya Dental Medical College & Hospital,
Annamalai University,
Annamalai Nagar,
Chidambaram.

: Respondents

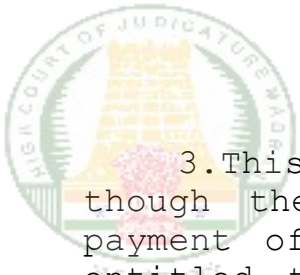
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to return back the petitioner's original certificates to the petitioner on the basis of considering the petitioner's representation dated 10.07.2018.

For Petitioner : Mr.B.Anandan
For Respondents : Mr.Venketesh Kumar
for Ajmal Associates

ORDER

In view of discontinuing the Master of Dental Surgery course, the third respondent herein had detained the original certificates of the petitioner.

2. According to the learned standing counsel appearing for the respondents, in view of the petitioner's discontinuance of the course, the College has suffered loss and as per their regulations, they are entitled for seeking re-payment of the entire fees.



3. This Court in various cases had expressed its view that though the College may have right to claim for re-payment / payment of such fee / damages from the students, they are not entitled to detain the original certificates of such students. There is no agreement between the petitioner and the College to that effect also. As such the third respondent is not justified in holding the petitioner's certificates as bait.

4. In the result, there shall be a direction to the third respondent to return the original certificates of the petitioner, namely, (a) 10th Mark Statement (b) 12th Mark Statement (c) Community Certificate (d) First B.D.S.-I Mark Statement (e) First B.D.S.-II Mark Statement (f) Second B.D.S. Mark Statement (g) Third B.D.S. Mark Statement (h) Final B.D.S. Mark Statement (i) Tamil Nadu Dental Council (Reg. Certificate 15092) (j) Provisional Certificate-I (k) Provisional Certificate-II (l) CRRI Certificate (Tamil Nadu Government Dental College and Hospital) (m) The Tamil Nadu Dr.M.G.R. Medical University (Degree Certificate B.D.S.) (n) Tamil Nadu Government Dental College and Hospital (Course Completion Certificate) (o) Transfer Certificate to the petitioner within a period of one week from the date of receipt of a copy of this order. If at all the Management is of the view that the petitioner has to re-pay the entire fees, the College is at liberty to work out their remedies, in accordance with law.

5. With these directions, this Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The Medical College Dean,
Rajamuthaiya Dental Medical College & Hospital,
Annamalai University,
Annamalai Nagar,
Chidambaram.

+ 1 CC TO M/s.AJMAL ASSOCIATES, ADVOCATE IN SR No. 76151
+ 1 CC TO Mr.B.ANANDAN, ADVOCATE IN SR No. 76093

GNS

TE/RP/SAR-1 : 11/08/2018 : P/C