



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.08.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.22736 of 2019

Gowtham,
S/o.Arumugam,
No.93, Nesavalur Street,
Kanakapatti,
Vattur Post,
Thiruchangodu,
Namakkal District.

... Petitioner

/verus/

1. The Director of Technical Education,
Anna University,
Guindy,
Chennai.
2. The Registrar,
Anna University,
Chennai - 600 025.
3. The Principal,
Vidyaa Vikas College of Engineering & Technology,
College Code: 2633,
Tiruchengode,
Namakkal District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the respondents to return all the Original Certificates (10th Mark sheet, 12th Mark sheet, Community Certificate and Transfer Certificate) to the petitioner and pass orders.

For Petitioner : Mr.Krishnasamy Chinnasamy

For R1 : Mr.S.Suresh Kumar,
Government Advocate.

For R2 : Mr.Vijayakumar,
Standing Counsel

For R3 : No appearance

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O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the 1st and 2nd respondents.

2. The petitioner joined (B.E - E.C.E) in the 3rd respondent College during the academic year 2018-2019. He has paid the tuition fees and submitted all his original certificates to the 3rd respondent/College at the time of joining. He attended the College only for 15 days and due to his financial status, he was not able to continue the course. When the petitioner sought back his all her educational certificates held by the 3rd respondent, the 3rd respondent demanded a sum of Rs.1,80,000/- and denied the petitioner her certificates. According to the petitioner, as per communication of the AICTE dated 07.08.2017 and the instruction of the Anna University which has affiliated the 3rd respondent, no Institution shall retain the Original Certificates of the students who have been discontinued the course. In spite of the instruction by AICTE and Anna University, the 3rd respondent has not returned the Original Certificate inspite of several representation. Hence, present Writ Petition seeking Mandamus to direct the 3rd respondent to return all the Original Certificate of the petitioner.

3. When the matter came up for admission, this Court ordered notice to the respondents Mr.S.Surehkumar, Learned Government Advocate took notice for the 1st respondent/Director of Technical Education and Mr.M.Vijayakumar, Learned Standing Counsel took notice for the 2nd respondent/Anna University. Private notice was also ordered for the 3rd respondent and same was served on the 3rd respondent. Proof of service filed but there is no representation for the 3rd respondent.

4. The learned Counsel appearing for the respondent/Anna University, would submit that time and again the Anna University and Government has informed all the Institutes not to withhold the original educational certificates of the students who opted out from the college and discontinued the course. In this case, after notice, they have called for explanation from the 3rd respondent and the explanation given by the 3rd respondent is not satisfactory and therefore, further explanation been called for.

5. Though, the AICTE as well as the Anna University has repeatedly instructed the Institutes not to withhold the original certificate of students who have discontinued the

course, the 3rd respondent appears to have withholding the original certificates of the petitioner in lieu of some tuition fees alleged to be payable. This Court, on the earlier occasion has passed order that, no Institutes can withhold the original certificates in lieu of tuition fee payable. In such circumstances, for no reason the petitioner certificate can be withheld by the 3rd respondent, once the petitioner has expressed his intention to discontinue the course.

6. Hence, the Writ Petition is Allowed. The 3rd respondent/College is hereby directed to handover the Original Certificate of the petitioner forthwith. The 2nd respondent/Anna University, is hereby directed to take appropriate action against the 3rd respondent, for not complying the direction of the AICTE as well as the Anna University, regarding withholding the original certificate of the petitioner, who opt out from their college. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

bsm

To,

1. The Director of Technical Education,
Anna University,
Guindy, Chennai.
2. The Registrar,
Anna University, Chennai - 600 025.
3. The Principal,
Vidyaa Vikas College of Engineering & Technology,
College Code: 2633,
Tiruchengode, Namakkal District.

+2cc to Mr.Krishnasamy, Advocate, S.R.No. 71470
+1cc to Mr.Vijaya Kumar, Advocate, S.R.No. 71511
+1cc to the Government Pleader, S.R.No.72124

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NR(CO)
GN(22/08/2019)