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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 26.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE DR.G.JAYACHANDRAN

Writ Petition No.31148 of 2018
and
W.M.P.No.36344 of 2018

Kiruthika Petitioner

Vs

1.The Principal Secretary,
Government of Tamilnadu,
Education Department,
Fort St. George, Secretariat, Chennai.

2.The Registrar,
Bharathiar University,
Marudhamalai Road, Coimbatore 641 046.

3.The Correspondent,
Sree Amman Arts and Science College,
Chittode, Erode. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st and 2nd respondent to conduct proper enquiry on the petitioner's complaint dated 19.10.2018 and to ensure the safety of other students studying in the 3rd respondent college.

For petitioner : Mr.V.subramanian
For R1 : Mr.S.Sureshkumar
Government Advocate
For R2 : Mr.L.P.Shanmugasundar
Special Government Pleader
For R3 : M/s.R.Exhilarasan

O R D E R

The grievance of the petitioner herein is that, the Educational Certificates of the petitioner is withheld by the third respondent, because she has given Criminal complaint against the third respondent's son. Whereas, in the counter filed by the third respondent it is specifically stated that



3 From the counter, this Court finds that the petitioner was allowed to stay in the hostel to pursue her study and take food in the mess without collecting the requisite charges and fees for two years. Taking into consideration, the financial status of the petitioner and on the under taking given by the petitioner that she will pay the entire due at the time of collecting her transfer certificate, the respondent has not collected fees. Therefore, the third respondent contended that the petitioner is not entitled for receiving her Educational Certificates back without paying the dues to the institutions.

4 The learned counsel for the respondent also circulated the judgment of the Division Bench of this Court rendered in The Director, Sri Mookambika Institute of Medical Science, Kulasekharam Vs. V.Balasundar Raj & Others. The facts of the case cited is with regard to a M.B.B.S student who was pursuing her internship after completing M.B.B.S the academic course. The candidate when intended to get her internship from other college and sought for transfer, the college in which she pursued her course, demanded balance fees and withheld her No Objection Certificate, which prevented the candidate from joining the new medical hospital college to continue her internship. In such circumstances, the Division Bench of this Court directed the college to issue No Objection Certificate on receipt of Rs.75,000/- as against the claim of 13,83,000/-.

5 The facts of the case is entirely different and does not apply to the present case. Here is the case, the third respondent in his counter admits that she has taken sympathetic view and allow the petitioner to pursue the course without collecting fees and collecting mess charges and hostel fees for two years. Now, in order to recover the same withholding the educational Certificate of the petitioner.

6 The reason stated is not within the scope of this Court to look into, since the matter has been seized of by the Investigation Agency and pending before the Judicial Magistrate. In such circumstances, there is no reason or authority for third respondent to withhold the Educational Certificates of petitioner herein for the alleged mess and hostel bills due. Hence, the third respondent is directed to return the Educational Certificate of the petitioner within a period of two weeks from today. If any monetary claims to made against the petitioner the third respondent has to work out her remedy before appropriate forum. For monetary due, the certificate cannot be withheld.



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7 In the result, the present Writ Petition is dismissed.
No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sbn/rpl

To

1.The Principal Secretary,
Government of Tamilnadu,
Education Department,
Fort St. George, Secretariat, Chennai.

2.The Registrar,
Bharathiar University,
Marudhamalai Road, Coimbatore 641 046.

3.The Correspondent,
Sree Amman Arts and Science College,
Chittode, Erode.

+lcc to the Government Pleader sr.53977, 53507
+lcc to Mr.Ezhilarasan, Advocate Sr.52774
+lcc to Mr.V.Subramanian, Advocate Sr.53607
+lcc to Mr.L.P.Shanmugasundaram, Advocate Sr.53529

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srg 16/08/2019