



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR**W.P. (MD) No.12452 of 2019**

Abi Krishnan B

...Petitioner

-Vs-

1.The All India Technical Education Council,
South Zone Office,
Sasthri Bhavan,
26, Nungampackam,
Chennai - 6.

2.The Director,
Anna University,
Chennai.

3.The Principal,
James College of Engineering & Technology,
Jamespuram,
Navalkadu,
Near Nagercoil,
Kanyakumari District - 629 852

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 3rd respondent to return the petitioner's original copies of the 10th, +2 Mark Sheet, Transfer Certificate, Migration Certificate and Conduct Certificate to him forthwith without insisting any fee.

For Petitioner : Mr.P.R.Prithiviraj
For Respondents : Mr.N.Dilip Kumar, for R1
Mr.M.Rajarajan, for R2
Mr.F.Deepak, for R3

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 3rd respondent to return the petitioner's original copies of the 10th, +2 Mark Sheet, Transfer Certificate, Migration Certificate and Conduct Certificate to him forthwith without insisting any fee.

2. Heard Mr.P.R.Prithiviraj, learned counsel appearing for the petitioner and Mr.N.Dilip Kumar, learned counsel appearing for the 1st respondent and Mr.M.Rajarajan, learned counsel appearing for the



2nd respondent and also Mr.F.Deepak, learned counsel appearing for the 3rd respondent.

3.The learned counsel appearing for the 3rd respondent, on instructions, has submitted that, the certificates sought for in the prayer, belongs to the petitioner, available with the 3rd respondent College, would be handed over to the petitioner, within a period of three days from the date of receipt of a copy of this order. At the same time, since the petitioner left the institution during the mid-course i.e. after completing only one semester, one seat, where the petitioner studied become vacant. In order to equalize the loss towards the prescribed fee payable by the petitioner for the whole course, the 3rd respondent would approach the appropriate forum for recovery of money. Without prejudice to the said right, the 3rd respondent wants to give the certificates to the petitioner.

4.The said submission made by the learned counsel for the 3rd respondent has been considered and since the mark statements and other certificates sought for in the writ petition belongs to the petitioner are essential documents required to the petitioner for future action, the same cannot be withheld by the 3rd respondent college and therefore, the same shall be handed over to the petitioner, within three days from the date of receipt of a copy of this order.

5.Insofar as the claim of fee, if any payable by the petitioner, it is open to the 3rd respondent to agitate the issue in the manner known to law. That liberty is always vest with the 3rd respondent.

6.With this observation and direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

Arul

+1CC TO MR.N.DILIP KUMAR, Advocate Sr. No.68402

+1CC TO MR.M.RAJARAJAN, Advocate Sr. No.68389

+1CC TO MR.P.R.PRITHIVIRAJ, Advocate Sr. No. 68249

Order made in

W.P. (MD) No.12452 of 2019

Dated: **12.06.2019**

GRL (CO)

<https://hcservices.ecourts.gov.in/hcservices/>

ES (13.06.2019) 2P 4C