



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.1395 of 2019

and

W.M.P (MD) .No.1191 of 2019

Vishnu R.Nair

... 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,
Loyala Institute of Technology and Science,
Loyala Nagar,
Rajavoor Road,
Kanyakumari District-629 302.

... Respondents

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

For Petitioner : Mr.P.R.Prithiviraj
For R1 : Mr.N.Dilipkumar
For R2 : Mr.K.Govindarajan
For R3 : No appearance

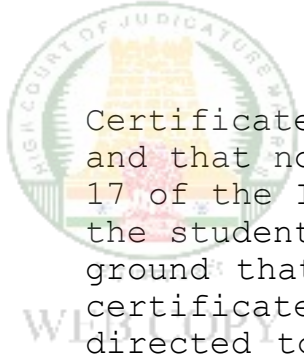
ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the respondents 1 and 2. Even though the third respondent has been served notice and his name is printed, he has not chosen to enter appearance.

2. The petitioner joined the third respondent's College in the academic year 2017-2018. He later discontinued the course. He now wants his original certificate back. The third respondent has declined to return the same. Therefore, this Writ Petition has been filed.

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

3. It has been held consistently that the Educational



Certificates of the student cannot be retained by the institution and that no right of lien can be claimed thereon in terms of Section 17 of the Indian Contract Act. If the College has any claim against the student, it has to file a suit for recovering the money. On the ground that the petitioner owes some money to the institution, his certificate cannot be retained. Therefore, the third respondent is directed to return the petitioner's petition mentioned certificates forthwith, without insisting on any payment.

4. The Writ Petition is allowed accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (T AND P)

// True Copy //

Sub Assistant Registrar (CS III)

1CC to M/s.P.R.PRITHIVI RAJ, Advocate(SR-57868[F] dated 29/03/2019)

1CC to M/s.N.DILIP KUMAR, Advocate (SR-58227[F] dated 01/04/2019)

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DS/ /SAR- (01.04.2019) 2 P 3C