



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2019

CORAM:

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

W.P. (MD) No.6547 of 2019

R.Pradeep Raj

... Petitioner

Vs

1.The Commissioner,
The Directorate of Technical Education,
53, Sardar Patel Road,
Guindy,
Chennai- 600 025.

2.The Dean,
Anna University,
Regional Campus,
NH-7, Kanyakumari National Highways,
Keelakovilkudi Road,
Madurai - 625 219.

3.The Principal,
SBM Engineering College,
Trichy Road-5,
SBM Nagar, Thamaraipadi,
Dindigul - 624 005.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to direct the third respondent to return back the original 10th Mark Statement, Diploma Provisional Certificate belonging to the petitioner and to return transfer certificate issued by the last studied institute or issue transfer certificate showing as discontinued the course of B.E (ECE) or any other Writ or Order in the nature of Writ directing the respondents herein by this Court.

For Petitioner : Mr.P.Karthick
For R1 : Mr.K.Mu.Muthu
Additional Government Pleader

For R2 and R3 : No appearance

ORDER

The writ petitioner had joined the third respondent college in the year 2013-2014. He studied only for one semester and thereafter, discontinued his studies in the third respondent college. The petitioner's original certificates are being retained by the third respondent on the ground that there are fee arrears.



2.It is well settled that on the ground of non payment of fees, the original certificates of a student cannot be retained. The right of lien cannot be exercised in such cases. This is because the educational certificates are not marketable commodities.

3.Therefore, the third respondent is directed to return the petition mentioned certificates in original to the petitioner forthwith and without any delay.

4.Accordingly, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

pnn

To

The Commissioner,
The Directorate of Technical Education,
53, Sardar Patel Road,
Guindy, Chennai- 600 025.

COPY TO

1. The Principal,
SBM Engineering College,
Trichy Road-5,
SBM Nagar, Thamaraipadi,
Dindigul - 624 005.

+1CC TO MR.P.KARTHICK, Advocate Sr. No. 61403

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 61595

W.P. (MD) No. 6547 of 2019

16.04.2019

DKS (CO)

TR (22.05.2019) 2P 5C