



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.10699 of 2017

WEB COPY

Chinnadurai

... Petitioner

Vs

1.The Regional Joint Director of collegiate Education,
Door No.30, Vaidhyanatha Iyer street,
Shenoy Nagar, Madurai - 625 020.

2.The Principal,
Annai Fathima College of Arts and Science,
Fathima Nagar, Alampatti,
Thirumangalam - 625 706,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to direct the second respondent to return all the original certificates (Community Certificate, School, Transfer Certificate, S.S.L.C. Mark Sheet and H.S.S.C.Mark Sheet) of the writ petitioner and repay the admission fee of Rs.39,970/- to petitioner's son C.Selvakumar received by the second respondent, within the time limit fixed by this Court.

For Petitioner : Mr.AL.Kannan

For Respondents : Mr.K.Mu.Muthu,

Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The writ petitioner's son joined the second respondent college to study B.Sc (Airline Course). After studying for a few months, he quit the course. The original certificates of the writ petitioner's son are lying with the second respondent. Since they have not been returned, this writ petition has been filed. The writ petitioner wants not only his son's certificates back but also refund of the admission fee of Rs.39,970/-.

3.It is well settled that the education certificates of a student cannot be retained by the institution on the ground that there are fee arrears. There is no question of claiming any lien on the certificates. The second respondent is directed to return the petition mentioned certificates to the writ petitioner forthwith and without any delay.



4.As regards the claim for refund of the admission fee, I am of the view that this Court cannot grant any relief to the writ petitioner. This is because the learned counsel for the second respondent states that on account of the abrupt discontinuance of the petitioner's son they have lost one seat and they were put to loss and that they have a monetary claim against the writ petitioner.

5.Therefore, this writ petition is partly allowed as indicated above. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

To

The Regional Joint Director of collegiate Education,
Door No.30, Vaidhyanatha Iyer street,
Shenoy Nagar, Madurai - 625 020.

+1 CC to M/s.V.SANJEEVI, Advocate (SR-58688[F] dated 03/04/2019)

+1 CC to M/s.SPL GP (SR-58856[F] dated 04/04/2019)

W.P. (MD) No.10699 of 2017
03.04.2019

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