



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2020

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

**W.A(MD)No.145 of 2020
and
C.M.P(MD)No.1103 of 2020**

The Academic Director,
Bethlahem Institute of Engineering,
Karungal,
Kanyakumari District - 629 157. ... Appellant / 3rd Respondent

Vs.

- 1.Sheinu S.Flexy (Minor),
Rep. by her Mother,
N.Stella Rani ... 1st Respondent / Writ Petitioner
- 2.The All India Technical Education Council,
South Zone Office,
Sasthri Bhavan,
26, Nungambakkam,
Chennai - 6.
- 3.The Director,
Anna University,
Guindy,
Chennai - 600 025. ... Respondents 2 & 3 /
Respondents 1 & 2

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 02.01.2020 made in W.P(MD)No.25935 of 2019 on the file of this Court.

Prayer in WP(MD). 25935/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to directing the 3rd respondent to return the petitioners daughter original copies of the 10th, 12th mark sheet, Transfer Certificate and conduct certificate to her forthwith without insisting any fee.



For Appellant : Mr.S.Saji Bino
For R - 1 : Mr.F.Deepak
For R - 2 : Mr.N.Dilip Kumar

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JUDGMENT

(Judgment of the Court was delivered by **M.DURAISWAMY, J.**)

Challenging the order passed by the learned Single Judge in W.P (MD)No.25935 of 2019, dated 02.01.2020, the appellant / third respondent has filed the above Writ Appeal.

2.The first respondent / writ petitioner filed the Writ Petition to issue a Writ of Mandamus, directing the appellant to return the writ petitioner's daughter original certificates pertaining to 10th, +2 mark sheet, Transfer Certificate and Conduct Certificate forthwith without insisting any fee.

3.It is the case of the first respondent / writ petitioner that inspite of several requests made to the appellant / third respondent for return of the certificates, they are refusing to return the same, which necessitated the first respondent / writ petitioner to file the Writ Petition seeking for the reliefs mentioned above.

4.It is settled position that the management cannot withhold the certificates for the arrears of the fee payable by the student.

5.The learned Single Judge, taking into consideration the case of both sides, allowed the Writ Petition finding that for non-payment of actual college fee or tuition fee, the original certificates of the student cannot be withheld by the institution.

6.Since the order passed by the learned Single Judge is in line with the ratio laid down by the Hon'ble Supreme Court and this Court, we do not find any ground to interfere with the order passed by the learned Single Judge. Accordingly, the Writ Appeal is devoid of merits and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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

2.The Director,
Anna University,
Guindy,
Chennai - 600 025.

+1 CC to M/s.S.SAJIBINO, Advocate (SR-4598[F] dated 04/02/2020)

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-4661[F] dated 04/02/2020)

+1 CC to M/s.F.DEEPAAK, Advocate (SR-4746[F] dated 05/02/2020)

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04.02.2020

JMN(14.02.2020) 3P : 6C