



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD)No.19635 of 2018

G.Sakthivelan

... Petitioner

Vs.

1.The Director,
Higher Education Department,
9th Floor, E.V.K.Sampath Building,
College Road, Chennai-600 006.

2.The Principal
Sri Sai Bharath College of Education,
Sellerumbu Post,
Dindigul District.

... Respondents

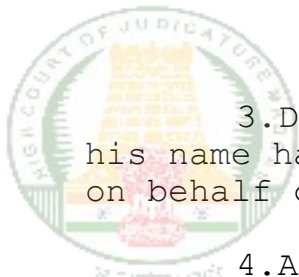
PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent No.2 to return the Transfer Certificate (B.Sc., Chemistry) Mark Statement, Provisional Certificate and other Certificate and consequently, to refund hostel fees and tuition fees paid by the petitioner at the respondent No.2 college within the time stipulated by this Court.

For Petitioner	: Mr.A.Balasubramani
For R1	: Mr.C.Ramesh Special Government Pleader
For R2	: No appearance

O R D E R

This writ petition is filed to direct the second respondent to return the Transfer Certificate (B.Sc., Chemistry), Mark Statement, Provisional Certificate and other Certificate and consequently, to refund the hostel fees and tuition fees paid by the petitioner at the second respondent college.

2.Heard Mr.A.Balasubramani, learned counsel appearing for the petitioner and Mr.C.Ramesh learned Special Government Pleader appearing for the first respondent.



3.Despite notice has been sent to the second respondent and his name has also been printed in the cause list, no one is appeared on behalf of the second respondent.

4.According to the petitioner, after completion of B.Sc., (Chemistry), the petitioner wants to study Bachelor of Education. Therefore, the petitioner approached the second respondent and paid admission and tuition fees and also paid the hostel fees. After completing the first day of college, he went to the hostel and he was shocked and surprised that there is no water facility in the hostel and clean toilet. Therefore, he could not able to stay in the hostel and to continue his studies. Therefore, he approached the second respondent to return back his certificates and fees paid. But, the second respondent did not return back the same. In this regard, the petitioner sent a representation to the second respondent. Since no action has been taken, the petitioner is before this Court.

5.The learned counsel appearing for the petitioner submitted that the petitioner sent a representation dated 01.08.2018 to the second respondent and the same was not considered so far. Therefore, he prays the aforesaid relief in the present writ petition.

6.Considering the grievance of the petitioner, in the absence of the second respondent, this Court directs the first respondent to issue notice to the petitioner as well as the second respondent within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the first respondent shall consider the petitioner's representation dated 01.08.2018, after hearing the petitioner as well the second respondent and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks. The petitioner is directed to communicate the copy of the said representation along with the copy of this order to the first respondent.

7.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Director,
Higher Education Department,
9th Floor, E.V.K.Sampath Building,
College Road, Chennai-600 006.
2. The Principal
Sri Sai Bharath College of Education,
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