



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.1051 OF 2021

AND

W.M.P.NO.1156 OF 2021

Ajisha Mercy.J.M.,

... Petitioner

Vs.

1. The Registrar,
Dr.M.G.R. Medical University,
Guindy, Chennai.

2.The Principal,
JKKMMRF Annai Sampoorani Ammal
College of Pharmacy,
Ethirmedi,
B.Komarapalayam,
Valayakaranoor Post,
Namakkal District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to issue the transfer Certificate and return all original certificates such as SSLC, HSC 11th and 12th Certificates, Community Certificate, Migration Certificate of the petitioner which were submitted to the 2nd Respondent at the time of admission for Pharm.D. Course on 19.08.2019, enabling the petitioner to pursue further studies and thus render justice.

For Petitioner : C.K.M.Appaji

For Respondents : Mr.D.Ravichander
(for R1)

: Mr.Prabhumukunth Arun Kumar
(for R2)



ORDER

This writ petition has been filed for issue of writ of mandamus directing the 2nd respondent to return back all the certificates that were submitted by the petitioner when she joined the 2nd respondent Institution to undergo Pharm.D course in the year 2019.

2.The case of the petitioner is that she joined the Pharm.D course in the 2nd respondent College in the year 2019 and also paid the entire fees of a sum of Rs.2,59,500/- The further case of the petitioner is that she was not able to continue with the course and she discontinued effective from 20.03.2020. Thereafter, the petitioner was not able to pursue further with her studies.

3.The grievance of the petitioner is that she approached the 2nd respondent College requesting for returning back the certificates. The 2nd respondent College was demanding for an exorbitant amount to be paid by the petitioner failing which they refused to return back the certificates. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate directions.

4.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

5.The learned counsel appearing on behalf of the 2nd respondent submitted that the petitioner is due and payable a sum of Rs.1.51 Lakhs for the 1st year alone. The learned counsel further submitted that since the petitioner has discontinued from the course, the seat will go waste for the entire six years and therefore, the petitioner is liable to pay the fees at least for one more year. The learned counsel therefore, submitted that if the petitioner pays this amount, the 2nd respondent will return back the certificates.

6.In the considered view of this Court, certificates cannot be retained by the Colleges on the ground that the entire fees has not been paid by a student. There may be various contingencies which may force a student to discontinue the course. Under such circumstances, if there is any fees that is due and payable by the student, the same can be recovered by an Institution only in the manner known to law. An Institution can never have a lien on the original certificates belonging to a student. In fact, such instructions have been given by many Universities to the affiliated Colleges and they have been directed not to retain certificates for non-payment of the fees.



7. In view of the above, if at all there is any amount due and payable by the petitioner to the 2nd respondent College, it is left open to the 2nd respondent to recover the same in the manner known to law. However, there shall be a direction to the 2nd respondent to return back all the original certificates including the Transfer Certificate to the petitioner, within a period of two weeks from the date of receipt of copy of this order.

8. This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

ssr

To

1. The Registrar,
Dr.M.G.R. Medical University,
Guindy,
Chennai.

2. The Principal,
JKKMRF Annai Sampoorani Ammal
College of Pharmacy,`
Ethirmedi,
B.Komarapalayam,
Valayakaranoor Post,
Namakkal District.

+1cc to Mr.D.Prabhumukunth Arun Kumar, Advocate, S.R.No.47169

+1cc to Mr.C.K.M.Appaji, Advocate, S.R.No.47123

W.P.No.1051 of 2021
and W.M.P.No.1156 of 2021

PMK(CO)
RLP(06/10/2021)