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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2021

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.4547 of 2019

D.Aravind

..Petitioner

-Vs-

1. The State of Tamil Nadu
Rep. by the Secretary to Government
Higher Education (2) Department
Fort St.George
Chennai-600 009.
2. The Registrar
Anna University
Guindy Chennai-600 025.
3. The District Collector
Namakkal
Namakkal District.
4. The Principal
Dr.Nagarathinam College of Engineering
Ananthagoundampalayam
Minnakkal Post
Rasipuram Taluk, Namakkal District-637 505.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 4th respondent to return the original certificates of petitioner to him and further direct the respondents to pay a sum of Rs.10,00,000/- as compensation for illegal retention of original certificates and deprivation of employment.



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For Petitioner : Mr.M.Elango

For Respondents : Mr.A.Selvendran
Government Advocate
for R 1 & R 3

Mr.M.Vijayakumar
Standing Counsel
for R 2

Mr.A.Muthukumar
for R 4

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 4th respondent to return all the original certificates of the petitioner.

2.The case of the petitioner is that he jointed in the 4th respondent College in the B.E. Course during the academic year 2017-2018. At the time of joining, the petitioner had submitted all the original certificates to the 4th respondent College. Thereafter, the petitioner was not able to continue his education since he secured a job.

3.The grievance of the petitioner is that he approached the 4th respondent requesting for returning back all the original certificates at the time of joining. The 4th respondent seems to have demanded a sum of Rs.70,000/- from the petitioner. This was brought to the notice of the 2nd respondent University and the same was forwarded to the 4th respondent. The 4th respondent seems to have again reiterated the same stand to the effect that the certificates will be returned only after the petitioner pays the remaining fees. Left with no other option, the present writ petition has been filed before this court seeking for appropriate direction.

4.The learned Standing Counsel appearing on behalf of the 2nd respondent University submitted that already instructions have been given to all the affiliated Colleges that no certificates should be retained for non-payment of money and only separate proceedings must be initiated for recovery of money. The learned Standing Counsel therefore submitted that he leaves it to this court to issue appropriate directions to the 4th respondent.



5. Taking into consideration the facts and circumstances of the case and the specific stand taken by the respondent University, there shall be a direction to the 4th respondent to return back all the original certificates to the petitioner. This process shall be completed by the 4th respondent within a period of one week from the date of receipt of copy of this order. If the 4th respondent has any claim against the petitioner, it is left open to the 4th respondent to independently work out their remedy in accordance with law.

6. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

1. The Secretary to Government
The State of Tamil Nadu
Higher Education (2) Department
Fort St. George
Chennai-600 009.
2. The Registrar
Anna University
Guindy Chennai-600 025.
3. The District Collector
Namakkal
Namakkal District.
4. The Principal
Dr. Nagarathinam College of Engineering
Ananthagoundampalayam
Minnakkal Post
Rasipuram Taluk, Namakkal District-637 505.

+1cc to Mr. M. Elango, Advocate Sr No. 46076
+1cc to Mr. M. Vijayakumar, Advocate Sr No. 46225
+1cc to the Government Pleader Sr No. 46154

W.P. No. 4547 of 2019

PCH (CO)
PR (27/09/2021)