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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.6917 OF 2019

Mas Education Institute,
Represented by Coordinator
Shameem
No 108, Al Nailly Building
Near abu Hail Centre,
Hor Al Anz, Dubai

... Petitioner

Vs.

1. The Registrar,
Barathiar University,
Coimbatore, Tamil Nadu.
2. The Controller of Examinations,
Barathiar University,
Coimbatore, Tamil Nadu.
3. The Director,
School of Distance Education,
Barathiar University,
Coimbatore, Tamil Nadu.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondent University to release the candidate's Mark lists and Certificates of Examinations conducted for the calendar year batch 2014, 2015, 2016 and the academic Year batch 2014-2015, 2015-2016, 2016-2017.

For Petitioner : M/s.Dr.R.Gouri

For Respondents : Mr.L.P.Shanmugasundaram,
Standing Counsel



O R D E R

1. The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the Respondent University to release the candidate's Mark lists and Certificates of Examinations conducted for the calendar year batch 2014, 2015, 2016 and the academic Year batch 2014-2015, 2015-2016, 2016-2017.

2. Heard the arguments advanced on either side.

3. The case of the petitioner is that the petitioner is the Coordinator of the study centre previously named as Dezone Business machine and presently named as Mas Education Institute having its study centre at No 108, Al Naily Building, Near abu Hall Centre, Hor Al ANZ, Dubai. The petitioner had entered into a memorandum of understanding with Respondent University to approve them to conduct Spot Admission cum Learning Centre (SALC) of the SDE on 28.12.2012 with the Education code No.FCDU02 Dubai and they are running the study Centre on behalf of the Respondent University under due procedure as prescribed by respondent university. The petitioner study centre had continued the SALC and admitted 450 students for UG an PG course for the year 2014-2015, 2015-2016 and 2016-2017 and same was accepted by the respondent university and the students have been allowed to write examination at the study centre situated in Dubai and the hall tickets have also been issued by the university.

4. It is further submitted that the students were admitted to write examinations at Dubai on remitting due examination fees and the entire amount was remitted to the university and the students have written the examination under the supervision of the respondent university. Subsequently the exam result was released by the respondent university but the grade sheet and certificate of examination was not released to 191 students by the University. Hence the petitioner made representations on 12.04.2017, 09.10.2018 and 11.07.2018 and the 3rd respondent on 05.02.2019 conveyed that the Mark sheet will be released once the copies of the fee receipt of payment done by petitioner was submitted. Therefore, the petitioner visited the respondent university personally and submitted the documents sought for by the respondent university. Even thereafter no steps were taken by the respondent university to release Mark sheet and the Certificate of Examination. Hence, this writ petition.

5. The learned counsel appearing for the petitioner submitted that the petitioner study centre has entered memorandum of understanding with Respondent University for Spot Admission cum Learning Centre (SALC) and enrolled 450 students and had made



payment of all fees as instructed by the respondent university. Despite the same, the respondent university has not released the candidate Mark lists and the Certificate of Examinations. However, he submitted that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation and release the Candidate Mark lists and the Certificate of Examinations.

6. Learned counsel for the respondent submitted that though the petitioner claims that the entire amount has been paid, they have to pay the amount in Dirham and not in Rupees. He further submitted that if the petitioner repays the amount in Dirham within a period of two weeks, the University will release the Mark sheet and the Certificate of Examinations in favour of the petitioner.

7. Learned counsel for the petitioner submitted that if the respondent university return back the amount paid in Rupees, they will repay the same amount in Dirham immediately.

8. Considering the limited request made by the learned counsel appearing for the petitioner, this Court is inclined to issue direction to the respondents to consider the petitioner's representation and release the Mark sheet and the Certificate of Examination of the 191 students on receipt of the amount in Dirham currency and within a period of twelve weeks from the date of receipt of a copy of this order. On receipt of the fees in Dirhams, the respondent University is directed to refund back the amount paid by the petitioner in Indian Rupees back to the petitioner.

9. The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

skt



To

1. The Registrar,
Barathiar University,
Coimbatore, Tamil Nadu.
2. The Controller of Examinations,
Barathiar University,
Coimbatore, Tamil Nadu.
3. The Director,
School of Distance Education,
Barathiar University,
Coimbatore, Tamil Nadu.

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KSM(CO)
RLP(02/12/2021)