



W.P(MD)No.4118 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4118 of 2022

B.Jeflin

... Petitioner

Vs.

1.The Registrar,
Anna University,
Chennai.

2.The Director,
Directorate of Technical Education,
Chennai.

3.The Principal,
Maria College of Engineering and Technology,
Attor, Thriuvattar,
Kanyakumari – 629 117.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 3rd respondent to return the original certificates namely 10th mark sheet, 12th mark sheet, B.E semester mark sheet, Consolidated B.E., provisional B.E., Community Certificate and Transfer certificate submitted by the petitioner at the time of admission in the 3rd respondent college.



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For Petitioner : Mr.R.Jenifar Bibin

For Respondents : Mr.J.John Rajadurai,
Standing Counsel for R1
Mr.V.Om.Prakash,
Government Advocate for R2.
Mr.M.P.Senthil for R3

ORDER

Heard the learned counsel on either side.

2.The petitioner joined M.E., Structural Engineering Course in the third respondent college. He left the course within ten days. The petition mentioned original certificates are with the third respondent. Seeking their return, this writ petition has been filed.

3.The learned counsel for the third respondent pointed out that the petitioner has not paid the fees and that the seat had also lapsed and as a result, the third respondent had been put to heavy monetary loss. Though this contention of the learned counsel for the third respondent is well founded, on that ground, the petition mentioned certificates cannot be retained. It is well settled that educational certificates are not marketable commodities and therefore, the college concerned cannot have any lien under Section 171 of the



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Indian Contract Act. Retention of the petition mentioned certificates by the third respondent is not legal. Therefore, the third respondent is directed to return the petition mentioned certificates to the petitioner immediately and forthwith and without any delay.

4.The writ petition is allowed accordingly. No costs.

04.07.2022

Index : Yes / No
Internet : Yes/ No
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To:

The Director,
Directorate of Technical Education,
Chennai.



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G.R.SWAMINATHAN, J.

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