



W.P(MD)No.16751 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16751 of 2019

S.Guru Matheesh

... Petitioner

Vs

The Principal,
Madurai Institute of Social Sciences, (Autonomous)
Madurai – 625 002.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent herein to consider the petitioner petition dated 11.6.2019 and to return petitioner's original Transfer Certificate which is in the custody of the respondent and grant compensation for retaining petitioner's Transfer Certificate not to go for further education.

For Petitioner : Mr.Samuel James Devasagayam

For Respondent : Mr.R.Lakshmanan



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ORDER

Heard the learned counsel on either side.

2. The writ petitioner had joined the respondent College to undergo B.A English Literature Course. However, he had abandoned the course mid-way. The petitioner wanted the respondent to return the petition mentioned certificates. The respondent took the stand that the petitioner has to pay the balance fees and only thereafter the certificates will be returned. That led to filing of this writ petition.

3. It is well settled that the students' educational certificates cannot retained. They are not marketable commodities. The right of lien under Section 171 of the Indian Contract Act, 1872 cannot be exercised on educational certificates.

4. I therefore direct the respondent to return the petition mentioned certificates to the petitioner forthwith and without any delay. It is open to the petitioner to approach the respondent on any working day and after giving acknowledgement collect the certificates. The petitioner's request for payment of compensation is however rejected. I permit the Management to file a suit for recovering their dues against the petitioner. The petitioner is also given



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liberty to file suit seeking compensation from the Management as the said relief

cannot be granted in these writ petition. This writ petition is partly allowed.

No costs.

07.12.2022

Index : Yes / No

Internet : Yes/ No

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To

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G.R.SWAMINATHAN, J.

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