



W.P(MD)No.16745 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 09.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.16745 of 2014

- 1.Yatin Dutt Gupta
- 2.Aarzo Rathi
- 3.Ruchika Singh
- 4.Kripanidh Kaur
- 5.Vejyanti Geholot
- 6.Shailesh Patiat
- 7.Arpan Panda
- 8.Vinu Vimal
- 9.Shabia Hassan

... Petitioners

Vs.

- 1.The Manonmanian Sundaranar University,
(University Established by an Act of Tamil Nadu State),
Abhishekapatti,
Tirunelveli,
Tamil Nadu-627 012,
Through its Registrar.
- 2.M/s.YGen Management Consulting Services,
A unit M/s.YGen Management Consulting Private Limited,
(A company incorporated under the Companies Act, 1956),
Having its registered office at
1194, 27th Main,
J.P.Nagar, 1st Phase,
Bangalore,
Through its Managing Director.



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3. BIFM Society for Education and Research,
C.56, First Floor,
Preet Vihar,
Main Vikas Marg,
New Delhi-92.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to forthwith release the Mark Statements of the petitioner for all semesters along with Degree Certificate.

For Petitioners : M/s.A.Srinivasan

For R-1 : M/s.J.Irfana Fathima
for M/s.Ajmal Associates

For R-2 & R-3 : No appearance

ORDER

The present Writ Petition has been filed for a Writ of Mandamus, directing the first respondent University to release the mark statements of the writ petitioners for all the semesters along with the degree certificate.

2. According to the petitioners, they have joined B.B.A. Course through the second and third respondents herein, who are the authorised franchisees of the first respondent University. According to the writ



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petitioners, they have paid the entire fees to the franchisees, namely, the second and third respondents herein. However, the first respondent now claims that they have not received the fees from their franchisees and hence, they are not in a position to release the mark statements and the degree certificate.

3. The learned Counsel for the petitioner brought to the notice of the Court that similarly placed students have approached this Court in W.P(MD)No.9689 of 2013 and the said writ petition was allowed on 31.07.2013, on the ground that, the second and third respondents herein are approved franchisees and they are authorised to collect the course fee on behalf of the University. On the basis of memorandum of understanding between the franchisees and the University, the University cannot blame the franchisees and place the students in a difficult situation. Since the present writ petitioners are also placed in a similar position, there shall be a direction to the first respondent herein to release the mark statements of the petitioners for all the semesters and the degree certificate shall also be furnished, in case, if the petitioners have passed the course without insisting any fees or changes. However, the issue



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between the first respondent and the respondents 2 and 3 relating to non payment of fees is left open. The certificates shall be released within a period of two (2) months from the date of receipt of a copy of this order.

4. With the above said observations, the writ petition stands allowed. There shall be no order as to costs.

09.11.2022

Index : Yes / No
Internet : Yes / No
btr

To

The Registrar,
Manonmanian Sundaranar University,
(University Established by an Act of Tamil Nadu State),
Abhishekapatti,
Tirunelveli,
Tamil Nadu-627 012.



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R.VIJAYAKUMAR, J.

btr

Order made in
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