



W.P(MD)No.87 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.87 of 2023

R.Tamilselvan

... Petitioner

Vs.

1.The Director,
All India Council for Technical Education,
Guindy,
Chennai.

2.The Vice Chancellor,
Anna University,
Guindy,
Chennai.

3.The Principal,
SBM College of Engineering and Technology,
SBM Nagar, Thamarai Padi,
Dindigul District.

... 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 respondents 1 and 2 to direct the 3rd respondent to forthwith return back all the original certificates of the petitioner (Reg. No. 921614105038 2014-2018) namely 1) Transfer Certificate, 2) Mark Statement of Higher Secondary Course Certificate, 2018 bearing Roll No. 201596, 3) Community Certificate bearing



W.P(MD)No.87 of 2023

No. 5589625, 4) Individual Grade Sheet for 8 Semesters studied in the 3rd respondent , 5) Consolidated Mark Sheet, 6) Course Completion Certificate within time frame to be fixed by this Court, without insisting the petitioner to pay any fees for the remaining period of course.

For Petitioner : Mr.D.Balamurugpandi

For Respondents : Mr.N.Dilipkumr
Standing Counsel for R1

: Mr.J.John Rajadurai for R2

: No appearance for R3

ORDER

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for R1 & R2.

2. Though the third respondent has been served and their name is printed in the cause list, they have not chosen to enter appearance.

3. The writ petitioner belongs to scheduled caste. After completing his higher secondary course, he joined the third respondent college to undergo B.E degree course in Electrical and Electronics Engineering. He joined during the academic year 2014-15. He completed the course in the year 2018 itself. However, the third respondent has not issued the petition mentioned



W.P(MD)No.87 of 2023

certificates. The petitioner had studied by availing government scholarship.

The petitioner alleges that the Management has been taking the stand that the petitioner has to pay a further sum of Rs.5,000/- per semester and since he did not pay the same, the certificates in question had not been handed over.

4. The stand taken by the third respondent is illegal and also unfortunate. It is too well settled that the educational certificates of the student are not marketable commodities. The third respondent could not have claimed any lien on the petition mentioned certificates, even if I assume that the demand of the third respondent for payment of Rs.40,000/- to the petitioner is justified.

5. In these circumstances, the third respondent is directed to return and hand over all the petition mentioned certificates. This shall be done within a period of two weeks from the date of receipt of a copy of this order.

6. The Writ Petition is allowed. No costs.

30.01.2023

Index : Yes / No

Internet : Yes/ No

rmi

NOTE: Registry to mark a copy of this order to the third respondent without delay.



WEB COPY



W.P(MD)No.87 of 2023

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.87 of 2023

30.01.2023