



W.P(MD)No.12320 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12320 of 2015

Minor Manikandan,
Rep. by Father and natural Guardian,
Mathialagan.

... Petitioner

Vs.

1.The Director,
Office of the Directorate of Technical Education,
Chennai.

2.The Principal,
SCAD Polytechnic College,
Cheramahadevi,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to return the Original Certificates namely Transfer Certificate, 10th standard mark sheet and Community Certificate



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belonging to the petitioner by considering his representation dated
06.06.2015.

For Petitioner : Mr.P.Samuel Gunasingh

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader for R1.
No appearance for R2.

ORDER

Heard the learned counsel for the writ petitioner and the learned
Additional Government Pleader for the first respondent.

2.The petitioner's son was admitted in the second respondent college. The specific case of the petitioner is that due to various reasons, his son could not continue his education in the second respondent institution. But the second respondent has declined to return the original certificates. The petitioner submitted representation dated 06.06.2015 demanding them back. Since it was not considered, the present writ petition came to be filed.



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3.The second respondent has been served but they have not chosen to enter appearance. It is well settled that educational certificates are not marketable commodities. The second respondent cannot exercise lien under Section 171 of the Indian Contract Act. The Madras High Court in the decision reported in **2012 (4) CTC 826 (A.John Paul Vs. State of Tamil Nadu)** had held that managements cannot retain the certificates deposited with them. The second respondent is directed to return the petition mentioned certificates to the petitioner forthwith and without any delay.

4.This writ petition is allowed on these terms. No costs.

29.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

The Director,
Office of the Directorate of Technical Education,
Chennai.

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G.R.SWAMINATHAN, J.

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