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W.A.No.625 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.A.No.625 of 2022 and

C.M.P.No.4407 of 2022

1. The Principal
Pondicherry University Community College,
Lawspet, Puducherry-605 008.

2. The Vice Chancellor,
Pondicherry University,
Pondicherry-605 014.

... Appellant/Petitioner

-VS-

1. Ms.C.Gayathri

... 1st Respondent/Petitioner

2. The Principal,
Tagore Arts and Science College,
Lawspet, Puducherry-605 008.

3. The Director,
Directorate of Higher & Technical Education,
Puducherry

... Respondents 2 & 3/Respondents 2 &3

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the judgment dated 26.11.2021 passed in W.P.No.21190 of 2021.

For Appellant	:	Mr.B.Rabu Manohar
For R1	:	Mr.M.Mohammed Hasain
		For Mr.S.Anbalagan
For R2 & R3	:	Mr.R.Syed Mustafa
		Spl. Govt. Pleader



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J U D G M E N T

(By D.Krishnakumar,J.,)

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This Writ Appeal has been filed, challenging the order of the learned Single Judge dated 26.11.2021 passed in W.P.No.21190 of 2021, by which the Writ Petition filed by the Writ Petitioner/1st respondent herein, was allowed with a direction to the 1st appellant herein to return the original certificates of the Writ Petitioner.

2. The case of the Writ Petitioner was that she had joined B.Sc.(Physics) during the academic year 2020-2023 after producing all the original certificates to the 1st appellant herein through her college and subsequently, denying the factum of production of original certificates, once again such certificates were demanded by the University, which necessitated the Writ Petitioner to approach this Court with the prayer to return her certificates and the said Writ Petition was allowed.

3. The appellants herein contended that original certificates were not produced by the Writ Petitioner at the time of admission, instead only xerox copies of certificates were obtained from her. As such, the original certificates of the Writ Petitioner are not available with the appellants, which were not properly taken note of by the learned Single Judge.

4. Mr.B.Rabu Manohar, learned counsel for the appellants drew the



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attention of this Court to the Police Complaint dated 23.02.2021 preferred by the father of the Writ Petitioner to sustain his argument that except xerox copies of the certificates, no original documents were produced by the Writ Petitioner, as otherwise, she could not have lodged such complaint for the loss of her original certificates.

5. Heard the learned counsel for the respective parties and perused the material documents available on record.

6. It is no doubt true that the Writ Petitioner pursued her graduation in B.Sc. (Physics) in the college affiliated to the 1st appellant herein. Though the Writ Petitioner reiterated that she produced all the original certificates to the 1st appellant, while seeking admission in the college, it was stoutly denied by the appellants herein, stating that at no point of time, original certificates were received by the appellants. The appellants placed on record the Police Complaint dated 23.02.2021 given by the father of the Writ Petitioner, wherein it has been ascribed as follows:

“I submit to state that my ward Ms.C.Gayathri has got admissionn to B.Sc(Physics) course in Tagore Arts College and in order to admit her, I take the following original certificates of my ward on 11.02.2021 for taking xerox copies in a shop near JTS Bus stop. After reaching the shop, I shocked to notice that the certificates are not found in my bag and searched on my way and could not traced. Hence, I kindly request you Sir to trace my ward's



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original certificates.

Details of certificates lost during transit:

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- 1) +1 & +2/HSC statement of marks issued by State Board of School Education, Government of Tamil Nadu, Chennai
- 2) Transfer certificate issued by Vallalar Government Girls Hr.Sec.School, Lawspet, Puduchery-8.
- 3) Birth Certificate
- 4) PIC form issued by revenue officials.

I am herewith enclosing copies of the above certificates for your kind reference.

Thanking you,

Yours sincerely,

[K.CHANDRASEKAR]”

7. We find force in the submission made by the appellants for the simple reason that for the loss of original certificates, the father of the Writ Petitioner had filed a Police Complaint as early as on 23.02.2021 and the demand of original certificates from the appellants by filing a Writ Petition in the year 2022 is unsustainable. Even for the sake of argument that the original certificates are with the appellants herein, the request for return of original certificates was made on 29.01.2021 and even within a month thereafter, Police complaint dated 23.02.2021 had been lodged and there is no explanation forthcoming as to what necessitated the father of the Writ Petitioner to give such a Police complaint immediately after making a representation to the College.

8. For all the reasons stated supra, in our view, the order of the learned Single Judge is liable to set aside. Accordingly, this Writ Appeal is allowed and the order



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dated 26.11.2021 of the learned Single Judge is set aside. No costs. Consequently,
connected Miscellaneous Petition is closed.

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[D.K.K., J.,]

[K.B., J]

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Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
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To:

1. The Principal,
Tagore Arts and Science College,
Lawspet, Puducherry-605 008.
2. The Director,
Directorate of Higher & Technical Education,
Puducherry

D.KRISHNAKUMAR,J.,
AND



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