



W.P.No.7349 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

W.P.No.7349 of 2015

and

M.P.No.1 of 2015

A.Kannan

... Petitioner

-Vs-

- 1.The State of Tamil Nadu,
Rep. by The Secretary,
Higher Education,
Fort St. George, Chennai-9.
- 2.The Registrar,
Anna University,
Guindy, Chennai-25.
- 3.The Chairman,
Lord Ayyappa Institute of Engineering and Technology,
Uthukadu, Near Walajabad,
Kancheepuram-631605.
- 4.The Principal,
Lord Ayyappa Institute of Engineering and Technology,
Uthukadu, Near Walajabad,



W.P.No.7349 of 2015

Kancheepuram-631605.

5.The Sub-Inspector of Police,
B5 Walajabad Police Station,
Kanchipuram District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, Directing the 2nd Respondent to take action against the 3rd and 4th Respondents and also to handover the Petitioner Original Bachelor of Engineering (Mechanical Engineering) Degree Certificate to the petitioner to pay compensation for depriving the petitioner right guaranteed under Article 21 of the Constitution of India and for causing torture, depress, pain, mental agony to the petitioner by the Respondents 3 and 4.

For Petitioner :M/s.Perumbullivel Radhakrishnan
for M/s. M.Dharani Dharan

For Respondents : Mr.Kumaravel, AGP [R1]

: No Appearance [R2]

: M/s.L.Sweety [R3 & R4]



WEB COPY



W.P.No.7349 of 2015

: R.5 - Dismissed as withdrawn
vide order dated 17.03.2015

ORDER

The above Writ Petition has been filed for a direction to the 2nd respondent to take action against respondents 3 and 4 and also to hand over the petitioner's original Bachelor of Engineering (Mechanical Engineering) Degree Certificate and pay compensation to the petitioner for having deprived him of his opportunity to be gainfully employed elsewhere and for causing torture, depress, pain, mental agony to him by the respondents 3 and 4.

2. It is the case of the petitioner that he had applied for the post of Lecturer in the 3rd respondent institution in the year 2011, where he was appointed as a Lecturer in the Department of Mechanical Engineering by the 4th respondent. While joining the services the 3rd and the 4th respondents had demanded that the original B.E. Degree Certificate of the petitioner be given to them. Accordingly, the same had been handed over to the 3rd respondent and it was acknowledged by the 4th respondent's letter dated 15.05.2012.



W.P.No.7349 of 2015

WEB COPY

3. All of a sudden, the petitioner was transferred and reappointed as a Lecturer in the Mechanical Engineering Department in Lord Venkateshwara Engineering College at Kancheepuram which is another college administered by the 3rd respondent. Once again, in the year 2013, the 3rd respondent transferred the petitioner to the Lord Ayyappa Institute of Engineering and Technology, where he was appointed as the Lecturer in the Department of Mechanical Engineering by appointment letter dated 01.08.2013.

4. The petitioner would submit that his two months salary while working in the Lord Venkateshwara Engineering College had not been paid to him and therefore he requested respondents 3 and 4 to pay the said salary. The 4th respondent however insulted the petitioner and had physically assaulted him. Therefore, the petitioner had issued a written complaint to the 5th respondent on 27.08.2013 for which a CSR Number 413/13 was issued. The 5th respondent had



W.P.No.7349 of 2015

also confirmed the facts given in the complaint while enquiring with the students. Thereafter, the 3rd respondent had assured the 5th respondent that the original decree certificate of the petitioner would be handed over to the petitioner and an undertaking letter to this effect was issued. However, the said undertaking letter was not complied with.

5. Although the petitioner had left the services of respondents 3 and 4 and had been attending interviews in other institutions, people were reluctant to appoint him due to the absence of his original certificate. Furthermore, respondents 3 and 4 had threatened to destroy the petitioner's original certificate if he approached any Court.

6. Therefore, the petitioner would submit that not only is he entitled to the original certificate but he is also entitled to compensation for the mental agony and torture he has suffered. He would also submit that being deprived of his livelihood violates



W.P.No.7349 of 2015

Article 21 of the Constitution of India.

WEB COPY

7. The 3rd respondent had filed a counter affidavit inter alia stating that the original decree certificate is normally handed over to the Principal of the college and the 3rd respondent had nothing to do with the same. The counter is absolutely silent about the original document. However, the 3rd respondent has stated that after receiving notice from this Court he had taken steps to obtain a duplicate certificate from the 2nd respondent. He would further submit that the petitioner was not cooperating in this matter and also alleged that the petitioner had demanded money from the 3rd respondent.

8. The first respondent has filed a counter stating that they are unnecessary parties to the Writ Petition and that the relief claimed cannot be sought from them.

9. The respondents 3 and 4 respondents have filed an additional typed set of papers dated 29.11.2023 in which a letter



W.P.No.7349 of 2015

dated 30.04.2018 addressed by the 3rd respondent to the Director Anna University has been enclosed. In the said letter they have stated that the original certificate had been returned to the petitioner on 20.12.2012 for which they had obtained an acknowledgment. The letter also goes on to state that since they were not able to prove their statement of having returned the original document, they have filed a counter undertaking to apply and obtain a duplicate degree certificate for which the 3rd respondent would submit that steps have already been taken.

10. Therefore, from this very letter, it is clear that the handing over of the original certificate does not appear to be true. Institution's like the 3rd respondent would have definitely retained a copy of the acknowledgment letter dated 20.12.2012. That apart, the duplicate certificate is stated to have been applied for only after receiving notice in the Writ Petition and that too in the year 2015, despite the petitioner having made representations since 2013. It is also seen that the steps have been initiated only in November 2017 when the



W.P.No.7349 of 2015

online complaint was filed and paper publication was made.

WEB COPY

11. The duplicate copies of the certificate have now been handed over to the petitioner. However, as stated by the learned counsel for the petitioner, the respondents 3 and 4 have not conducted themselves properly and they have also not taken steps to ensure the safety of the original documents of value. Even after coming to know about the loss they have not taken any steps to help the petitioner for obtaining a duplicate copy.

12. This Court had called upon the learned counsel appearing for respondents 3 and 4 to find out whether respondents 3 and 4 were willing to give some amounts towards compensation for the hardship caused to the petitioner. However, there was no positive response.

13. As stated above, there has been a gross dereliction of duty on the part of the respondents 3 and 4 to safeguard the original documents and in also not taking steps to help the petitioner obtaining a duplicate certificate. Though the petitioner has stated that



W.P.No.7349 of 2015

he was not getting employment on account of him not having his original certificates, there is nothing to prove the same. However, respondents 3 and 4 by not responding to the petitioner's request to hand over the original documents or to help him get the duplicate copies has definitely abdicated their responsibility as an employer and has caused intense mental agony to the petitioner for which they are bound to compensate him. Therefore, the respondents 3 and 4 are directed to pay a sum of Rs.1,50,000/- to the petitioner as compensation. The said amount shall be paid within a period of 1 month from the date of receipt of a copy of the order.

14. With the above directions, the Writ Petition is partly allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

05.07.2024

(shr)
Index : Yes/No
Speaking / Non Speaking Order
Neutral Citation : Yes/No

To



W.P.No.7349 of 2015

- 1.The State of Tamil Nadu,
Rep. by The Secretary,
Higher Education,
Fort St. George, Chennai-9.
- 2.The Registrar,
Anna University,
Guindy, Chennai-25.
- 3.The Chairman,
Lord Ayyappa Institute of Engineering and Technology,
Uthukadu, Near Walajabad,
Kancheepuram-631605.
- 4.The Principal,
Lord Ayyappa Institute of Engineering and Technology,
Uthukadu, Near Walajabad,
Kancheepuram-631605.
- 5.The Sub-Inspector of Police,
B5 Walajabad Police Station,
Kanchipuram District.



WEB COPY



W.P.No.7349 of 2015

P.T.ASHA. J.,

(shr)

W.P.No.7349 of 2015
and
M.P.No.1 of 2015

05.07.2024