



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.07.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.12868 of 2024

R.Naveen

... Petitioner

Vs

1. The Chairman

AICTE, Karaikalmedu,
Ge.Karaikalmedu,
Karaikal – 609 602.

2. Officer on Special Duty

Pondicherry Univeristy,
Affiliation Wing, College Development Council,
Admn. Building, R.V.Nagar, Kalapet,
Pondicherry – 605 014.

3. The Principal

Sri Manakula Engineering College,
Mannadipet Commune, Madagadipet,
Puducherry – 605 107.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to issue the petitioner the original certificates 10th standard mark sheet, twelfth standard



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marksheet, transfer certificate, community certificate, conduct certificate and course completion certificate without demanding extra fees.

For Petitioner : Mr.Santhosh Rathinam
for Mr.T.Balarathinakumar

For Respondent : Mr.B.Bala Vijayan – R3
No appearance - R2
Await service – R1 and R4

ORDER

The petitioner is eager to receive his original certificates, ie., 10th and 12th standard mark sheets, transfer certificate, community certificate, conduct certificate and course completion certificate without any conditions including arrears of fees, from R3, Sri Manakula Engineering College, Puducherry.

2. Admittedly, he had enrolled for the B.Tech Mechanical Engineering in R3 college for the academic year 2010-2014. He concedes to the position that he did not complete the degree and has arrears and has made no attempt to collect the original certificates thus far. While he states that there are no arrears of fee, learned counsel for R3 would state otherwise.

3. This is a question of fact and a disputed one at that. In any event, it is a settled position that the original certificates cannot be withheld by a college citing arrears of fees as their remedy for collection of outstandings, charges and fees lies elsewhere and not by retention of the certificates.



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4. In light of this admitted position, R3 has no lien on the original certificates. Learned counsel for R3 would fairly accede to the position that the same will be returned to the petitioner forthwith. Since the Principal of R3 college is absent for a period of one week on account of his mother's demise, he states that the petitioner may approach the college on any working day between 10th and 19th of July, 2024 during working hours.

5. Hence, mandamus is issued to R3 to grant audience to the petitioner when he presents himself and return all original certificates deposited by him at the time of admission for the course without any endorsement relating to outstandings, if any. Needless to say that it is open to the College to take necessary measures to collect the arrears, if any, in accordance with law.

6. This Writ Petition is allowed. No costs.

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Index : Yes / No
Speaking Order
Neutral Citations: Yes
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Dr.ANITA SUMANTH,J.

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To

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Ge.Karaikalmedu,
Karaikal – 609 602.
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