



W.P.No.28081 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.28081 of 2024

1. L.Jagannathh
 2. U.Dinesh Kumar
- ...Petitioners

Vs.

1. The Secretary,
Department of Higher Education,
Ministry of Education, Government of India,
Shastri Bhawan Rajendra Prasad Road,
New Delhi - 110 001.
2. The Chairman,
University Grants Commission,
Bahadur Shah Zafar Marg, New Delhi -110 001.
3. The Chairman,
Bar Council of India,
21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi - 110 002.
4. The Chairman,
M/s. Vels Institute of Science, Technology & Advance Studies
(VISTAS),
Velan Nagar, P.V.Vaithyaligam Road,
Pallavaram, Chennai - 600 117.
5. The Registrar,



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M/s. Vels Institute of Science, Technology & Advance Studies
(VISTAS),
Velan Nagar, P.V.Vaithyaligam Road,
Pallavaram, Chennai - 600 117.

6. The Dean,
M/s. Vels Institute of Science, Technology & Advance Studies
(VISTAS),
Velan Nagar, P.V.Vaithyaligam Road,
Pallavaram, Chennai - 600 117. ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 4th to 6th respondents to give back the Original Certificates of the petitioners which includes Transfer Certificate, Degree certificate and Provisional Certificate with future protection to complete the course with the due process of law.

For Petitioners : Mr.N.D.Sivakumaran

For Respondents : Notice not ready, for R1 to R3
: Mrs.V.Meenakshi Sundaram, for R4 to R6

ORDER

This Writ petition has been filed seeking direction to the respondents 4 to 6 to give back the Original Certificates of the petitioners which includes Transfer Certificate, Degree certificate and Provisional Certificate with future protection to complete the course with the due process of law.

2. The case of the petitioners is that they joined in the 3 years LLB



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Program at the respondent Vels University and the petitioners are currently in the 2nd year of their academics and on 14.10.2023 the petitioners have submitted their original certificates and also paid a sum of Rs 200/-, pursuant to the direction issued by the Registrar of the respondent Vels University. While so, on 16.07.2024, when the petitioners sought for return of their original certificates, the same was refused by the management. Thereby, the petitioners issued a legal notice to the University on 20.07.2024, which evoked no response and the Dean threatened the petitioners to withdraw the legal notice and demanded them to submit an apology letter and when the petitioners refused to do so, they were prevented from attending the class, which resulted in shortage of attendance. Therefore, left with no other alternative, the petitioners lodged a complaint before the 1st and 2nd respondents against the Vels University on 04.08.2024, which evoked no response. Hence, this Writ petition.

3. Learned counsel for the petitioners submitted that, refusing to return the petitioners' original certificates is a clear violation of UGC Regulations and it is purely an unlawful act and necessary action has to be taken against the respondent Vels University. He further submitted that, as the petitioners



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have refused to withdraw the legal notice dated 20.07.2024, they were not allowed to attend the classes which resulted in shortage of attendance and the same will adversely affect the future of the petitioners. It is further submitted by the learned counsel for the petitioners that, it would suffice, if this Court issues direction to the respondents 4 to 6 to return the original certificates of the petitioners and also further direct the respondents not to prevent them from attending the internal examination which is going to be held on 23.09.2024 and the respondents shall not in any manner prevent the petitioners from completing their course.

4. On the above said contentions, heard learned counsel appearing on behalf of the respondents 4 to 6 and perused the material documents placed on record.

5. Though the petitioners have come up with this Writ petition seeking necessary direction to the respondents 4 to 6 to return the Original Certificates of the petitioners which includes Transfer Certificate, Degree certificate and Provisional Certificate, however, the Transfer Certificate has to be submitted by the petitioners and on their completion of the course, they



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will be issued with new Transfer Certificate by the respondents 4 to 6.

Therefore, return of Transfer Certificate cannot be permitted at this point of time.

6. However, insofar as the petitioners' claim with regard to the return of Degree Certificate and Provisional certificate are concerned, the respondents 4 to 6 are directed to return the same, within a period of two weeks from the date of receipt of a copy of this order, after due verification and the respondents shall not prevent the petitioners in any manner from completing their course.

7. With the above directions, this Writ petition stands disposed of. No costs.

14.10.2024

skt

NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

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