



WEB COPY

W.P.No.29328 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.29328 of 2023

S.Natesh

.. Petitioner

VS

The Registrar,
Madras University,
Cheppakkam,
Chennai-600 005.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the Respondent herein to return the original certificates namely the UG Provisional Certificate, UG Mark sheets, Transfer Certificate and certificates issued by the Tamilnadu & Puducherry Bar council to the Petitioner herein.

For Petitioner : Mr.Nirmal Aditya

For Respondent : Ms.A.Shabnam Banu

ORDER

The petitioner claims to be an Advocate practising before Thiruvavarur and Mannargudi Courts. He had completed his under graduate studies in Law and thereafter applied to the respondent, Madras University for admission for Masters degree course. He enrolled in the



W.P.No.29328 of 2023

Masters course in criminal law with PCP classes. An order of registration had been issued on 20.11.2015 admitting him to the course. That order of registration clearly states in conclusion that there were no enclosures with the application for return to the petitioner. The petitioner did not pursue the course thereafter.

2.Out of the blue on 24.03.2023, he sent a representation to the respondent seeking the return of original certificates i.e. original mark sheets issued by Sastra University, original Transfer Certificate and other original certificates issued by the Tamil Nadu and Puducherry Bar Council.

3.The affidavit filed in support of the writ petition contain averments at paragraphs 9 and 11 that he has been continuously approaching the University to obtain the originals and that his request have not been entertained.

4.A counter has been filed by the University confirming categorically that the University does not retain any originals of the students. Originals, if any, would be called for only from candidates who had applied for private study courses and in such an event, the documents would be mandatorily enclosed and returned along with the order of registration to the concerned candidate.



W.P.No.29328 of 2023

5.The respondent has also filed a compilation of documents dated 19.02.2024 wherein the attested copies of the documents submitted by the petitioner at the time of admission have been placed at pages 2 to 17 thereof.

6.The Court has perused the documents carefully and has heard the submissions of the learned counsel. It is true that the order of registration dated 13.11.2015 issued to the petitioner contains the following conclusion:

'The enclosure/s (Nil) to the application is/are returned herewith and the same may kindly be acknowledged.'

7.In comparison, learned counsel for the respondent has placed another sample order of registration dated 30.11.2015 in the case of some other candidate where the following conclusion figures:

'The enclosure/s (Provisional Certificate (01 no) to the application is/are returned herewith and the same may kindly be acknowledged.'

8.Thus, this illustrates the position that there is application of mind to the documents that were enclosed by a candidate and returned by the University at the time of issuance of the order of registration.



W.P.No.29328 of 2023

9.I am persuaded to accept the argument that if at all original documents were enclosed, they would have been returned along with the order of registration as the order of registration dated 30.11.2015 clearly illustrates in the petitioner's case. The order of registration categorically states that there were no enclosures to the application and hence the question of return of originals does not arise. The compilation filed by the Madras University contains the attested copies of the documents that had been submitted by the petitioner.

10.At this juncture, learned counsel for the petitioner would state that the petitioner wishes to personally inspect his file in the University premises. Normally such a request would not be entertained or even countenanced as it is unnecessary to suspect the records of the University, particularly in the circumstances as explained in the paragraphs supra.

11.However, learned counsel for the respondent has been graceful enough to state that the University would have no objection to the petitioner visiting the premises and that, he will be shown his file when he comes.

12.At that juncture, this Court notes the specific averments in the affidavit at paragraph 10 as follows:

'10.I state that, on 24.03.2023 I have sent a representation to the Respondent of the University



WEB COPY



W.P.No.29328 of 2023

seeking to return the original certificates namely the original Mark Sheets issued by the Sastra University, Original Transfer Certificate, Original certificates issued by the Tamilnadu & Puducherry Bar council.'

The prayer in the writ petition reads thus:

'Therefore, for the reasons stated above, it is humbly prayed that this Hon'ble Court may be pleased to issue a writ in the nature of Writ of Mandamus directing the Respondent herein to return the original certificates namely the UG Provisional Certificate, UG Mark sheets, Transfer Certificate and certificates issued by the Tamilnadu & Puducherry Bar council to the Petitioner herein and to pass further or other orders as this Hon'ble Court may deem fit in the facts and circumstances of the present case and thus render justice.'

13.The petitioner has sought return of several certificates including certificates issued by the Tamil Nadu and Puducherry Bar council. Such a situation would not arise at all as there is no necessity for the petitioner to have included certificates issued by the Bar council at the time of his admission to the M.L. Course. There is no such requirement by the University and the learned counsel for the petitioner has no explanation for the inclusion of such certificate in the prayer as well as in the writ affidavit.

14.The petitioner claims to be a practising Advocate and is thus expected to be well aware of the contents of the affidavit to which he has



W.P.No.29328 of 2023

deposed. This Court does not appreciate the incorrect claim that has been put forth to the effect that the Bar council certificates were submitted to the University. I am led to the conclusion that the petitioner has misplaced his certificates and is seeking to raise an incorrect claim on the respondent vide this writ petition.

15. In light of the discussion as aforesaid, this writ petition is dismissed. No costs. Though tempted to put the petitioner to terms, I desist bearing in mind that he is a young professional.

05.06.2024

Index: Yes/No
Neutral Citation: Yes
Speaking Order: Yes
vs

To

The Registrar,
Madras University,
Cheppakkam,
Chennai-600 005.



WEB COPY



W.P.No.29328 of 2023

DR. ANITA SUMANTH,J.

VS

W.P.No.29328 of 2023

05.06.2024