



W.P.No.39730 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

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G.Suganya

.. Petitioner

Versus

1.State Represented by

The Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai – 600 009.

2.Dr.Usha Antony Ph.D.,

Dean,
Tamil Nadu J.Jayalalithaa Fisheries University,
College of Fish and Nutrition and Food Technology,
Madhavaram Milk Colony,
Chennai – 600 051.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the second respondent to return back the petitioner's original educational qualification certificates including Original X and XII Standard Marksheets, Transfer Certificate and Community Certificate to the petitioner.



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For Petitioner : Ms.J.Pavithra

For Respondent 1 : Mr.N.Muthuvel, Government Advocate

For Respondent 2 : Mr.V.Vijay shanker

ORDER

The writ petitioner seeks for a direction to return of her 10th and 12th Standard Certificates and the Community Certificate handed over to the second respondent/University at the time of admission in Food Technology Course.

2. The facts are not in dispute. The petitioner joined the Tamil Nadu Dr.J.Jayalalithaa Fisheries University to undergo the Food Technology course under self-financing scheme. Subsequently, she has secured a Government seat in the Tamil Nadu Veterinary College at Hosur. Hence, she has sought for return of the said documents.

3. The second respondent/University did not object to the petitioner joining a different institution. But it wanted to enforce the bond that has



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been executed by the petitioner in favour of the second respondent. In terms of the bond, the petitioner and her father had undertaken to pay a sum of Rs.2,00,000/-, in the event, she discontinues the course. The University has invoked the bond on account of the fact that the last date for admission on 30.10.2024 and the petitioner left the institution on 06.11.2024. The second respondent pleads that on account of the fact that the petitioner withdrew from the course, after the last date of admission was completed, the seat which had been allotted to the petitioner would lapse. This causes financial difficulties to the second respondent.

4. Mr.M.Jaikumar points out that the petitioner comes from economically backward section of the society and she would not be in a position to pay a sum of Rs.2,00,000/-. He further points out that the petitioner has incurred fees at the time of joining the Tamil Nadu Government Veterinary College at Hosur and therefore, to make the payment under the bond as condition precedent to issue the certificate would be very onerous.



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5. Rebutting these arguments, Mr.V.Vijay Shankar states that the second respondent/University has absolutely no intention to prevent the career progression of the petitioner. In fact, it has issued a certificate stating that the original of the school as well as the community certificates are available with the second respondent/University.

6. Considering the plea on the economic difficulty expressed by Mr.M.Jaikumar, in order to balance the interest of the petitioner and the second respondent, I am inclined to pass the following orders:

(i) the writ petitioner shall pay a sum of Rs.50,000/- in full discharge of the bond executed by her in favour of the second respondent.

(ii) The said amount of Rs.50,000/- shall be paid in two equitable installment of Rs.25,000/- each. The first installment shall be paid on or before 28.02.2025 and the second installment shall be paid on or before 31.03.2025.

(iii) On receipt of this sum of Rs.50,000/-, there shall be a direction to the second respondent to return the certificates to the petitioner.



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costs.

7. With the above directions, this writ petition stands ordered. No

23.01.2025

nl

Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

To

1.The Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai – 600 009.

2.Dr.Usha Antony Ph.D.,
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V.LAKSHMINARAYANAN, J.

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