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W.P.(MD)No.21648 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.21648 of 2024

Gowshika

... Petitioner

Vs.

1.The Director,
Director of Technical Education,
Anna University, Guindy, Chennai-25.

2.The Principal,
Kings College of Engineering,
Punalkulam, Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first and second respondents to provide petitioner's college original transfer certificate and the original certificate of degree in B.E., (Computer Science).

For Petitioner	: Mr.N.Sudhagar Nagaraj
For R1	: Mr.T.Amjadkhan Government Advocate
For R2	: Mr.S.Venkatesan

ORDER

This writ petition has been filed seeking a direction to the first and second respondents to provide petitioner's original transfer certificate and the original certificate of degree in B.E., (Computer Science).



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2.The case of the petitioner is that the petitioner pursued B.E., Computer Science at the second respondent college. The petitioner completed the engineering course in the academic year 2015-2016. However, due to her medical condition, the petitioner put a halt to her studies in the year 2013-14 and she was not able to pay the fee. Hence, the second respondent withheld the original certificates of the petitioner. Therefore, the petitioner has filed this writ petition seeking a direction to return the original certificates.

3.The learned counsel for the second respondent college submitted that there is an outstanding due of Rs.1,29,450/- to be paid by the petitioner. The said amount remains unpaid for more than eight years. Hence, the certificates of the petitioner have not been issued to her.

4.The learned Government Advocate appearing for the first respondent submitted that they have already sent a communication to the second respondent to release the documents of the petitioner.

5.Heard the learned counsel appearing on either side and perused the materials placed on record.



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6.The communication sent by the first respondent indicates that the second respondent is holding over the certificates of the petitioner, merely on the ground of non payment of fee, for more than eight years. Even for recovery of amount, there is a period of limitation. If any amount has not been paid by anyone, the same ought to have been recovered within the period of limitation. At any event, the period of limitation in the case on hand, is already over. However, for recovery of fee, the original certificates of a student cannot be held as a lien.

7.In such view of the matter, the second respondent is directed to release the certificates of the petitioner within a period of two weeks from the date of receipt of a copy of this order.

8.With the above direction, this writ petition is disposed of. No costs.

22.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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W.P.(MD)No.21648 of 2021

To
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- 1.The Director,
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Anna University,
Guindy, Chennai-25.
- 2.The Principal,
Kings College of Engineering,
Punalkulam,
Pudukkottai District.



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N.SATHISH KUMAR, J.

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