



W.P(MD)No.5807 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.01.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE B.PUGALENDHI**

W.P.(MD)No.5807 of 2017

Suresh

... Petitioner

/Vs./

1.The Commissioner,
Directorate of Technical Education,
Sardar Patel Road,
Guindy, Chennai-600 025.

2.The District Collector,
Collectorate,
Sivagangai,
Sivagangai District.

3.The Principal,
Vickram Polytechnic College,
Enathi-630 561,
Madurai-Sivaganai Road,
Sivagangai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the third respondent to issue the certificates of 1) Original 10th standard mark statement, 2) Original Permanent Community Certificate, 3) Transfer Certificate and 4) Conduct Certificate and also Course Completion Certificate on the petitioner's petition dated 06.03.2017.

For Petitioner : Mr.S.Radhakrishnan



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For R1 and R2 : Mr.G.V.Vairam Santhosh
Additional Government Pleader
For R3 : No Appearance

ORDER

This petition has been filed to issue a writ of mandamus to the respondents to return the original certificates of the petitioner to him by considering the petitioner's petition dated 06.03.2017.

2.The petitioner had joined in the Vickram Polytechnic College/third respondent in the year 2008 to pursue the course of Diploma in Civil Engineering. At the time of admission, the petitioner had produced the originals of his 10-th standard mark statement, community certificate, transfer certificate and conduct certificate to the the third respondent. The petitioner had completed two years of his studies. Due to his family conditions, the petitioner could not continue with his studies on the final year. Hence, he discontinued his studies. Thereafter, the petitioner approached the third respondent to return the original certificates produced by the petitioner at the time of admission. But, the the respondent College refused to return the same and insisted the petitioner to pay a sum of Rs. 21,700/- as due to be paid to the third respondent.



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3.The petitioner claims that he belongs to SC community and he is eligible for the scholarship from the Government and that scholarship shall be adjusted for the due amount. However, the respondent college insisted the petitioner to pay the due fee. Hence, the petitioner has filed this writ petition in the year 2017.

4.When this writ petition is taken up for hearing today, there is no representation for the petitioner as well as the third respondent.

5.The third respondent has filed counter affidavit stating that the petitioner has not paid the fee of Rs.21,700/- due for the third year course. Hence, the original certificates of the petitioner are retained with the third respondent.

5.This Court considered the materials placed on record.

6.Admittedly, all the original certificates of the petitioner is with the third respondent. When a student leaves a College, the Educational Institution has no right to retain certificates deposited by the student, for any dues from the student. Retention of certificates and documents submitted by the students would be violating the fundamental rights of the student. Therefore, this Court is of the view that the third respondent cannot continue to withhold the certificates of the petitioner.



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7. Therefore, this writ petition is allowed directing the third respondent to return all the original certificates to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. The respondent shall workout his remedy for arrears if any, by instituting a separate suit as against the petitioner.

No costs.

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Index : Yes / No

Internet : Yes / No

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B.PUGALENDHI,J.

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