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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**WA No. 1007 of 2023
and
CMP No. 10121 of 2023**

Registrar
University of Madras,
Chepauk, Chennai-600 005.

Appellant(s)

Vs

1.Dr.S.Subramanian
2.V.Elangovan

3.The Principal Secretary and
Member-Syndicate,
University of Madras Higher Education
Department, Secretariat,
Fort St.George, Chennai-600 009.

4.The Science City
Rep by its Vice-Chairman, Gandhi
Mandapam Raod, Chennai-600 025.

Respondent(s)

PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, to allow the above appeal
and set aside the judgment dated 21.12.2022 in WP No.9304 of 2022



For Appellant(s): Mr.D.Ravichander

For Respondent(s): Ms.Darsini Priya.G.P
For Mr.Rahul Balaji For R1
Mr.A.Raja Mohamed For R2
No Appearance For R3 & R4

JUDGMENT

(Judgment was delivered by S.M.Subramaniam J.)

Under assail is the writ order dated 21.12.2022 in W.P.No.9304 of 2022.

The Registrar, University of Madras is the appellant.

2. The 1st respondent has instituted a writ proceeding to direct the respondents 1 and 2 therein to retrieve the application (in triplicate) dated 23.02.2017 along with all original certificates and other original documents for consideration to the Award of Tamil Nadu Senior Scientist Award 2016 submitted by the writ petitioner before the Professor and Head, Department of Biochemistry, University of Madras.

3. The grievance of the 1st respondent is that his original certificates were misplaced by the University of Madras and not returned back to him. He sent an e-mail, which was not responded by the University. Thus, the 1st respondent would submit that University has lost his original certificates in their office and therefore, a direction is to be issued to retrieve the application



along with the original certificates.

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4. The learned counsel appearing on behalf of the appellant/University would submit that three copies of duly filled applications were submitted but the University has not received the original certificates or documents. Originals will be verified at the final stage. In the present case, the 1st respondent has not produced any proof to show that the original certificates were handed over to the University along with the application. In the absence of any proof, the appellant cannot claim the relief in the writ petition.

5. The Writ Court made a finding that the 1st respondent/writ petitioner has not produced any direct evidence to prove that he had handed over the original documents and papers to the office of the Head of the Department to forward the same to the University. But direction was issued to hand over the original document and in the event of failure pay of sum of Rs.10 Lakh as damages.

6. The directions issued by the Writ Court is self-contradictory, since on the one hand the Writ Court found that the 1st respondent has not produced any proof to establish that he had submitted the originals along with his application. On the other hand, the Writ Court directed the University to hand over the original documents and in the event of failure, pay of sum of Rs.10



Lakh towards damage.

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7. Ms.Darsini Priya.G.P, learned counsel for the 1st respondent would oppose by stating that the 1st respondent was holding the post of Assistant Professor in Madras University. He had submitted an application on 23.12.2017 to consider his name for grant of award of Tamil Nadu Senior Scientist Award-2016. The 1st respondent submitted all the original certificates along with the application to the Professor and Head, Department of Biochemistry to be forwarded to Vice-Chairman through the Registrar, University of Madras. The email sent by the 1st respondent to return back the original was not responded. Thereafter, two emails and one letter have been sent. Since there was no response, the Writ Court found that the original certificates or lost or misplaced in the office of the University and accordingly granted relief. Thus, the writ appeal is to be rejected.

8. This Court is of the considered view that in the absence of any proof/acknowledgement to establish that the 1st respondent submitted all his original certificates along with the application, the Writ Court in exercise of the powers of judicial review cannot issue a direction to return back the original documents and in the event of failure to pay a sum of Rs.10 Lakhs as damages. Even before the Writ Court no proof has been submitted by the 1st respondent that he has handed over the originals. Writ Court in this regard



cannot draw any factual inference so as to issue a direction to hand over the documents or in alternate to pay damages to the tune of Rs.10 Lakhs.

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9. The 1st respondent/writ petitioner was holding the post of Assistant Professor in Madras University itself and he submitted the application during his verge of retirement. That being so, he must be well aware of the procedural aspects adopted by University of Madras. In the absence of any proof, he ought not to have claimed the original certificates merely based on his email sent to the University. Sending of an email by an applicant to the university would not provide a cause to issue a direction to return back the original document, which is otherwise not available with the University as per the submission made on behalf of the University.

10. For all these reasons, this Court is of the view the directions issued to hand over the document would result in an impracticable solution and in the absence of any proof to establish that the originals are handed over to the University such directions would not have been issued by the Writ Court. That apart, imposing an exorbitant cost of Rs.10 Lakh is also uncalled for. Thus, the impugned writ order dated 21.12.2022 in W.P.No.9304 of 2022 is set aside. However, the 1st respondent is at liberty to initiate appropriate action to trace out his original records in the manner known to law or in alternate apply for duplicate certificates enabling him to pursue his education or for any purposes.



11. Accordingly, writ order dated 21.12.2022 passed in W.P.No.9304 of 2022 is set aside and the Writ Appeal stands allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)
17-11-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

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To

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