



WEB COPY



W.P.No.34541 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.34541 of 2023
and
W.M.P.No.34458 of 2023

M.Kesavan

.. Petitioner

VS

- 1.The Principal
Cheran College of Pharmacy,
521 - A, Siruvani Mani Road,
Telungupalayam Division,
Coimbatore - 641 039.
- 2.Dean
Tamil Nadu Dr.MGR Medical University
Chennai.
- 3.The Secretary,
Higher Education,
Government of Tamil Nadu,
Secretariat, Chennai.
- 4.The Secretary to Government,
Health and Family Welfare Department,
Chennai.
- 5.Director of Medical Education,
162, Periyar E.V.R. High Road,
Kilpauk, Chennai- 600 010.
- 6.Dean
School of Agriculture and Animal Science,
The Gandhigram Rural Institute,
Gandhigram, Dindigul.

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct 1st and 2nd respondents to return the original transfer certificate, original 10th Std and 12th Std Mark Statement of the petitioner within a period stipulated by this Court.

For Petitioner : Mr.T.S.Mohamed Mohdeen

For Respondents : Mr.Srinath Sridevan,
Senior Advocate
for Mr.S.Rajmakesh for R1
Mr.A.Mohamed Gouse for R2
Mr.K.Tippu Sultan
Government Advocate
for R4, R5
Mr.Ma.P.Thangavel, for R6

ORDER

The petitioner seeks a mandamus for return of original Transfer Certificate, X and XII mark-sheets from R1 college. The reason put forth is that he is unable to secure admission in R6 college for want of those certificates.

2. On the last occasion, learned counsel for R6 had stated that the admission of the petitioner in R6 college had itself been cancelled as he has neither produced requisite certificates nor had requisite attendance for the period that he was allowed to attend classes subject to furnishing of those certificates.

3. The matter was adjourned to today to enable learned counsel for petitioner to take instructions in the matter.



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4. Today, R1 college files a memo to the effect that there are, indeed pending dues. However, the settled position of law in this regard is that certificates of a student cannot be withheld for arrears of fees as the educational institution can claim no lien over the same.

5. Hence mandamus is issued to R1 to return the original Transfer Certificate, Mark-sheets of X and XII to the petitioner, as and when he presents himself before the college. Needless to say, liberty is given to College to take measures to recover the monetary outstandings, in accordance with law.

6. This writ petition is allowed in terms of this order. No costs. Connected miscellaneous petition is closed.

21.03.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

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DR. ANITA SUMANTH,J.

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