

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30/11/2004

C O R A M

THE HONOURABLE Mr.JUSTICE A.K.RAJAN

Writ Petition No. 2592 of 1998

L. Varatharajan ... Petitioner

Vs

1. The State of Tamil Nadu  
rep. by its Secretary  
Department of Education  
Fort St. George  
Chennai 9.
2. The Director  
Office of the Directorate  
of Technical Education  
Guindy  
Chennai 600 025. ... Respondents.

Petition filed under Article 226 of the Constitution of India  
praying for issue of a writ of mandamus as stated therein.

For petitioner ... Mr.Jayaraman, Sr. Counsel  
for Mr.M.Pari, Advocate.  
For respondents ... Mr.S.P.Prabhakaran, AGP

O R D E R

The writ petition has been filed by the petitioner to direct the  
respondents to return the original certificate which was sent on 12/8/1981  
to the second respondent.

2. The petitioner is a Srilankan National. In the year 1981, he  
applied to the second respondent for admission to part time B.E. degree  
course. For that he was asked to furnish the original certificates and  
accordingly, he furnished the same by "Registered Post". Thereafter, he  
neither got admission nor got back the certificates and therefore, made  
a request from the year 1983 to the second respondent to return the

original certificates.

3. In the affidavit filed in support of the writ petition, it is stated by the petitioner that on 10/8/1981, he sent Secondary School Leaving Certificate, Mark Sheet, Transfer Certificate and Conduct Certificate to the second respondent by "Registered Post" and the same was duly received by the second respondent on 12/8/1981 and the acknowledgment card has been filed along with the typed set. On 4/4/1983, he requested the second respondent either to provide admission in the Engineering College or to return the original certificates. Then, he sent a letter to the second respondent along with a proof of delivery of the original certificates and the second respondent sent a letter dated 24/12/1983, directing the petitioner to furnish a copy of the office letter, in which he was asked to produce the original certificates, in order to take necessary action and the same was furnished to the second respondent, but till date no action was taken and hence the petitioner had filed the above Writ Petition, praying for the relief as extracted supra.

4. The writ petitioner had filed W.P.M.P. No.7043 of 2004, seeking for compensation of Rs.10 lakhs and this Court passed an order that until the main writ petition is disposed of, the relief sought for in the Miscellaneous Petition cannot be granted and the same was dismissed accordingly on 30/3/2004.

5. A counter affidavit has been filed by the respondent stating that the petitioner was directed only to produce the Original Mark Sheets of National Certificates of General Educational Examination and not any other certificates. It is also admitted that the petitioner had sent the original certificates by "Registered Post" on 10/8/1981 and the same was duly received on 12/8/1981 and also stated that the petitioner had made a complaint to the Superintendent of Post Offices, Kumbakonam Division on 11/4/1983, i.e., after a lapse of one and a half years.

6. The learned Senior Counsel Mr. Jayaraman submitted that the petitioner applied for B.E. Degree course and the second respondent directed him to send the original certificates and from the acknowledgement card, it is clear that the certificates are only with the second respondent from the year 1981. Therefore, having received the originals, it is the duty of the authorities to return the same. Since they have not returned the original, they are bound to pay the compensation.

7. The learned counsel further submitted that the petitioner got number of employment opportunities, but he could not join because the certificates were not returned by the second respondent. Therefore, he is entitled for compensation of Rs.10 lakhs or such other amount as this Court feels reasonable.

8. In support of his contention, he relied on the judgment of this Court in W.P.No.4261 of 1998, where under a similar situation, when the certificates were lost by the Madurai Kamarajar University, this Court awarded compensation of Rs.10,000/- payable by the Madurai Kamarajar University. Relying upon the above said judgment, the learned counsel seeks this Court also to determine the compensation amount.

9. The learned Government Advocate appearing for the University admits that for the past two decades, the certificates could not be traced and also submitted that if the certificates are traced, they will return the same to the petitioner. This contention of the learned Government Advocate is not acceptable.

10. After hearing the learned counsel for both, it is clear that the petitioner had sent the original certificates to the second respondent. Considering the facts and circumstances of the case, it is a fit case where the petitioner should be awarded some compensation and that must be paid by the University and the same is also quantified at Rs.50,000/- (Rupees fifty thousand only). It is open to the second respondent that either the certificates to be returned to the petitioner within a period of one month or they should pay the compensation of Rs.50,000/- (Rupees fifty thousand only) within a period of one month from this date.

11. Subject to the above direction, writ petition is disposed of.

Sd/-Asst. Registrar,  
Dt/-15.12.2004.

Corrected order to be issued  
regarding Counsel's Name.  
Sd/-Asst Registrar,  
Dt/-8.2.2007.

/true copy/

Sub Asst. Registrar.

mvs.

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To

1. The Secretary to Government, ]  
State of Tamil Nadu ]  
Department of Education ]  
Fort St. George ]  
Chennai 9. ] To be substituted to the order
2. The Director ] already despatched on 23.12.04.  
Office of the Directorate ]  
of Technical Education ]  
Guindy, Chennai 600 025. ]
- + 1 CC To Mr. M.Pari, Advocate ]  
SR NO.52400 ]  
+ 1 CC to the Government Pleader ]  
SR NO 52078 ]

W.P.No.2592 of 1998

gm[co]  
gp/9.2.



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