
(1998) 09 MAD CK 0092

In the Madras High Court

Case No : Writ Petition 7693 and 8813 of 1997

S. Srinivasan and Another

APPELLANT

Vs

State of Tamil Nadu and Another

RESPONDENT

Date of Decision : 09-09-1998

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 1999 Mad 9

Hon'ble Judges : S.S. Subramani, J

Bench : Single Bench

Advocate : N. Jawahar, for T.R. Rajaraman and V. Selvaraj, for the Appellant; M. Rathinam, Government Advocate, for the Respondent

Final Decision : Allowed

Judgement

S.S. Subramani, J.—In W. P. 7693 of 1997, petitioner has prayed for issuance of writ of mandamus directing 2nd respondent to issue the petitioner a duplicate Diploma in Teacher Education (DTE) Certificate.

2. In W.P. No. 8813 of 1997 also, petitioner seeks the issuance of a writ of mandamus, directing 2nd respondent to issue to the petitioner the diploma in teacher education certificate evidencing that the petitioner has passed the said examination held in April, 1991 with Reg. No. 406564.

3. In W.P.No. 7693 of 1997, petitioner has stated that he is a qualified Diploma Holder in teaching, and he obtained the Diploma in BG Teachers Training School at Dinivanam. His TC Registration Number is 161/80 and the examination number is 11609, 405954 and 500161/91. He registered his name with third respondent-Employment Exchange on 9-9-91 and his registration number is 10447/91, on the strength of his Diploma in Teachers Education. According to petitioner, when he was boarding a bus on 7-5-96, he lost his marklist, grade-sheet and the Diploma record book at Dharmapuri bus-stand. He gave complaint to police. But the Certificates could not be traced. The Sub Inspector of Police,

Dharmapuri Police Station also gave a Certificate to that effect. The same was brought to the knowledge of the Magistrate-cum-Tahsildar, Dharmapuri. He also issued a Certificate to that effect on 16-7-1996. On 2-7-1996, he met the 2nd respondent and requested that a duplicate certificate may be issued, and he was informed that it was not possible to issue a duplicate certificate. Petitioner thereupon sent a legal police and also remitted a sum of Rs. 52/- towards the prescribed fee for the issue of duplicate Diploma in Teacher Education, by way of postal order. 2nd respondent sent a communication on 21-8-1996 intimating the petitioner that it was not possible to issue a Duplicate Certificate in view of the judgment in 1993 Wri LR 604 (P. M. Joseph v. State of Tamil Nadu), and the amount sent by petitioner was returned. The same is challenged in W. P. 7693 of 1997. Petitioner seeks intervention of this Court for issuance of Duplicate Certificate.

4. In W. P. 8813 of 1997, petitioner underwent the Course of Diploma in Teacher Education, in Arignar Anna Teacher Training School, Rasipuram, during 1986-87 and completed the Course in 1987-88. He passed the Examination with Registration No. 406564. 2nd respondent issued the Certificate to the petitioner. It is said that while the petitioner was travelling in a bus on 5-4-1993, he lost his original certificates. He reported the same to the police and other authorities concerned. But the Certificate could not be traced. So, he applied to the second respondent for issuance of duplicate certificate. But his request was rejected, in view of the decision reported in P.M. Joseph's case (supra). Hence the writ petition.

5. The fact that the petitioners were issued Certificates, etc. is not disputed by respondents. The only reason given by the Authorities for not complying with the request of the petitioners is that the Institute in which petitioners studied was derecognised in the decision reported in 1993 Writ LR 604 (supra).

6. I do not think that the said approach of the respondents could be accepted. The decision in P. M. Joseph's case only said that students who have written examination pursuant to orders of Court or recognition granted pending writ petitions and as per orders of Court, and which were subsequently derecognised, will not be entitled to a Certificate or Diploma, and such students will be entitled only to have the results published. In that decision, the Division Bench has further held that the candidates in such cases will not be entitled to any consequential benefit or relief. The facts in both these writ petitions are entirely different. In these cases, respondents themselves have chosen to issue marksheet, diploma and record book. Whatever may be their validity, once the respondents themselves have chosen let issue the same, it follows that the petitioner is entitled to possess them. Petitioners are not getting any additional benefit by issuance of Duplicate Certificate. When the Certificate was lost, the respective petitioner has requested only for issuance of a Duplicate Certificate of the original which was already issue by respondents. It has no connection with the derecognition of the Institute. In a similar case reported in 1998 MLJ 281

(Jhansi Rani v. The Secretary, The Director of Government Examinations, Chennai), I have held that the respondents are bound to issue the duplicate certificate. In this case, we are not concerned about the validity of the Certificate and how far the petitioner will be entitled to make use of the Certificate. That apart, in P.M. Joseph's case (supra), validity of recognition from 1989 was the matter in issue. In W. P. 7693 of 1997, petitioner was a student during the year 1987-98, and in W. P. 8813 of 97, petitioner was student during 1986-88, and recognition granted to the Institutes during that time was also not a matter decided, nor was the recognition given during that period was declared invalid.

7. Under the above circumstances, I hold that the petitioners are entitled to the reliefs sought for in these writ petitions. I direct the second respondent herein to issue Duplicate Certificate to the respective petitioner on payment of necessary fees. Duplicate Certificate will be issued to the respective petitioner within two weeks after remittance of necessary fees. Both the writ petitions are allowed as indicated above. No costs.

8. W.M.P. No. 12393 of 1997 in W. P. 7693 of 1997 is closed.