

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.31181 of 2016

and W.M.P.No.27030 of 2016

1.Dr.Dhivya.K.P
2.Dr.Bhargav.D
3.Dr.P.Sridevi
4.Dr.A.Ann Eunice Shalini
5.Dr.K.Senthil Baskara Pandian
6.Dr.Abhishek Kumar
7.Dr.Felix Emerson.M.J Petitioners

Versus

1.The Registrar
Annamalai University
Chidambaram.
2.The Controller of Examinations
Annamalai University
Chidambaram. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents to return the petitioners' original educational certificates and to issue the provisional certificate, course completion certificate, transfer certificate, mark statement and other certificates in pursuance of the publication of the results of the petitioners' post graduate diploma.

For Petitioners : Mr.A.Thiagarajan, senior counsel
for Mr.S.Sharmil Sundar
for Mr.A.Balamurugan
For Respondents : Mr.K.Sathish Kumar
Standing counsel

ORDER

The writ petition is filed by the Doctors, who got admission to pursue P.G. Diploma Courses at Annamalai University through counselling conducted by the Directorate of Medical Education. They have also completed their course in May 2016 and their results were also published. But the original certificates, course completion certificate, provisional certificate and transfer certificate is yet to be given to the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

2.According to the petitioners, after ten months from the

date of joining and in the middle of the academic year, the respondents have shown a Bond to the students containing very stringent conditions and compelled them to execute the bond. The petitioners having no other choice, have executed the Bond on 31.03.2015, which contain conditions that the students have to work with the University for a period of not less than one year, failing which, to pay a sum of Rs.3,00,000/-. After publication of results, the petitioners were making repeated requests to the University to return the original certificates and they have also sent representations to the respondents. However, all the efforts have ended in vain. Hence, the present writ petition has been filed.

3.Mr.A.Thiagarajan, the learned Senior counsel appearing for the petitioners, contended that the issue involved in this writ petition is already dealt with by this Court in the similar order passed on 20.06.2014 in W.P.No.14593 of 2014 and a reference to the order can be made, which reads as follows:

"(ii) Against W.P.No.17203 of 2008 from batch of writ petitions, W.A.No.1444 of 2008 was filed, which was also dismissed by the Hon'ble Division Bench of this Court. In the said order, it was held as under:

"3. We have heard the learned counsel appearing on either side and perused the entire materials available on record.

4. The case of the appellants is that, as per Clause 68(d) of the Prospectus, non-service candidates, on completion of the course, should serve the Government of Tamil Nadu for a period of not less than three years; the prospectus is binding on the respondent; admission was given to her only on the premise that, on completion of the course, she would bind herself to serve the Government of Tamil Nadu for a period of three years; having accepted the condition precedent for admission into the Post Graduate Course, she is now estopped from contending that she is not bound by the same; Government has a legitimate expectation that she would serve the rural poor and therefore the order passed by the learned Single Judge cannot be legally sustained.

5. According to the respondent, there is no condition prescribed in the bond providing for lien over the certificates; the certificates are her properties, which cannot be withheld by the appellants, except with her consent and that there is no condition stipulated in the bond or in the prospectus that certificates would be withheld as a condition precedent for executing other clauses of the bond.

6. The learned Single Judge, after taking into

account the fact that the respondent has not violated the terms and condition stipulated in the bond as well as in the prospectus, directed the appellants herein to return the certificates / documents sought for by the respondent herein. The learned Judge has also held that if the terms and conditions stipulated in the bond are violated by the respondent, then, it is for the appellants to enforce the terms of the bond in a manner known to law. From a perusal of the materials available on record, we also find that the respondent has not violated any of the conditions stipulated in the bond or in the prospectus. therefore, we hold that the appellants have no right to withhold the certificates / documents of the respondent, unless and until the terms and conditions of the bond are violated by the respondent. Consequently, we hold that the order passed by the learned Single Judge cannot be interfered with in any manner and the writ appeal is dismissed."

(iii) Similarly, against W.P.No.1052 of 2013 from another batch of writ petitions, W.A.No.2248 of 2013 was filed, which was also dismissed by the Hon'ble Division Bench of this Court by the judgment dated 19.12.2013. In the said judgment, the Division Bench held as under:-

"5. The materials on record clearly shows that the learned Judge followed the earlier order in W.P.No.17203 of 2008 as upheld by the judgment in W.A.No.1444 of 2008. Since the judgment in W.A.No.1444 of 2008 has become final, the appellant cannot be heard to say that the learned Single Judge was not correct in issuing a mandamus to return the certificates.

6. The learned Special Government Pleader wanted this Court to give liberty to the appellant to invoke the conditions of bond. there is no need for any such liberty.

7. In the upshot, we dismiss the Writ Appeal. No costs. Consequently, connected miscellaneous petition is closed."

7. In W.P.Nos.23491 to 29502 of 2013, this Court, by order dated 14.3.2014, following the above-said judgments, ordered the Writ Petitions in terms of the above referred orders. Accordingly, following the above judgments, the present Writ Petition is ordered and the concerned respondent is directed to return all the original certificates to the petitioner, within a period of two weeks from the date of receipt of a copy of this order, after getting an affidavit of undertaking from the petitioner that she will serve in Tamil Nadu for a period of two years. No

costs."

4.In the light of the above judgment, the present Writ Petition is ordered and the second respondent is directed to return all the original certificates to the petitioners, within a period of two weeks from the date of receipt of a copy of this order, after getting an affidavit of undertaking from the petitioners that they will serve in Tamil Nadu for a period of two years. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The Registrar
Annamalai University
Chidambaram.

2.The Controller of Examinations
Annamalai University
Chidambaram.

+1 cc to Mr.K.Sathish Kumar,advocate,sr.57307

+1 cc to Mr.A.Balamurugan,advocate,sr.57134.

rv(co)
krd 15/12

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and W.M.P.No.27030 of 2016

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