



W.P.(MD)No.5476 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5476 of 2022

A.Sangeetha

... Petitioner

Vs

1.The Directorate of Medical Education,
Directorate of Medical Education Office,
EVR High Road,
Kilpakkam,
Chennai – 600 010.

2.The Principal,
VPM Nursing College,
KrishnanKoil, VPM Nagar,
Srivilliputhur (Taluk),
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the the second respondent to return of the petitioner's original Certificates such as TC, 10th and 12th Mark Statement Community Certificate and all other original certificates and to dispose the petitioner's representations, dated 27.01.2022 and 22.03.2022 by the respondents within the time limit that may be stipulated by this Court.



For Petitioner : Mr.M.Pandian

For Respondents : Mr.V.Om Prakash
Government Advocate for R.1

Mr.K.Muthurakkan for R.2

ORDER

Heard the learned counsel on either side.

2. The petitioner underwent B.Sc., Nursing Course in the second respondent College. She got admission under the Scheduled Caste Community category. She later discontinued her course. She wants the original Certificates handed over at the time of admission.

3. The stand of the management is that the petitioner was entitled to scholarship as Scheduled Caste Community category candidate and since she was discontinued the same she is obliged to return the same. The second respondent may have claim against the petitioner. It is for the second respondent to enforce the same in the manner known to law. But on that ground, the petition mentioned Educational Certificates cannot be retained. It is well settled that the Education Certificates are not marketable commodities and that the respondents cannot have any lien on them in terms of Section 171 of the Indian Contracts Act, 1872. Therefore, the second respondent is directed to return the petition mentioned Certificates to the petitioner forthwith and



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without any delay. The petitioner shall appear before the second respondent on 11.08.2022 at 11.00 a.m. On the said date and time, the Certificates shall be handed over under due acknowledgement.

4. This writ petition is allowed. No costs.

04.08.2022

Index : Yes / No
Internet : Yes/ No
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To

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