



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 19.05.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

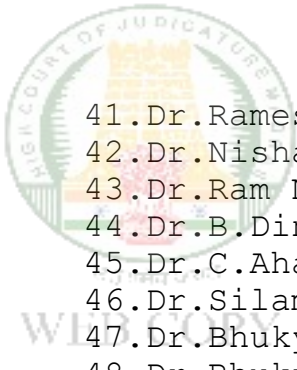
**W.P. (MD) No.9821 of 2022**

**and**

**W.M.P. (MD) No.7040 of 2022**

WEB COPY

- 1.Dr.S.Sam Nelson
- 2.Dr.D.Kapilamunisvaran
- 3.Dr.M.Praveen
- 4.Dr.S.Srenivasa Ramanan
- 5.Dr.R.Abiramavalli
- 6.Dr.Duna Sheba Soundarya M J
- 7.Dr.Palthya Gopinaik
- 8.Dr.S.Aparna
- 9.Dr.S.Nandhini
- 10.Dr.V.Udhayachandhar
- 11.Dr.A.Jerub Alex Silas
- 12.Dr.V.Selvendran
- 13.Dr.D.Anishaa
- 14.Dr.P.Nandhini
- 15.Dr.B.Kasiarasi
- 16.Dr.V.Caroline
- 17.Dr.S.Yogeswari
- 18.Dr.S.S.Chakravarthi
- 19.Dr.R.Ramnivas
- 20.Dr.E.Gowtham
- 21.Dr.S.Theoder Robinson
- 22.Dr.KSK Narendiran
- 23.Dr.C.Gorbachev
- 24.Dr.D.Archana
- 25.Dr.G.Aswath Ragavendar
- 26.Dr.M.Poornachandran
- 27.Dr.M.Akshara
- 28.Dr.N.Gayathri
- 29.Dr.A.Velmurugan
- 30.Dr.K.Pandeeshwaran
- 31.Dr.R.Aswini
- 32.Dr.D.S.Aarthi
- 33.Dr.Vikram V.Huddar
- 34.Dr.N.Gokul Ram
- 35.Dr.T.Naveen Kumar
- 36.Dr.M.V.Aishwarya Lakshmi
- 37.Dr.S.Arulmozhivarman
- 38.Dr.J.K.Ajithraa
- 39.Dr.R.Meera
- 40.Dr.C.Prasanna Venkatesh



41.Dr.Ramesh B  
42.Dr.Nishat  
43.Dr.Ram Naik Malavathu  
44.Dr.B.Dinesh Raj  
45.Dr.C.Ahammed Sadik  
46.Dr.Silambarasan.P  
47.Dr.Bhukya Mahesh  
48.Dr.Bhukya Nagendra Naik  
49.Dr.S.Mohan Raj

... Petitioners

vs.

- 1.The State of Tamil Nadu,  
Rep.by its Principal Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Chennai.
- 2.The Director of Medical Education,  
The Directorate of Medical Education,  
Kilpauk, Chennai-10.
- 3.The Deputy Director of Medical Education,  
The Directorate of Medical Education,  
Kilpauk, Chennai-10.
- 4.The National Medical Council,  
rep.by its Secretary,  
Pocket 14 Sector-8 Dwarka Phase I,  
New Delhi-110 077.
- 5.The Dean,  
Government Thoothukudi Medical College,  
Thoothukudi,  
Thoothukudi District.
- 6.The Dean,  
Madurai Medical College,  
Madurai.
- 7.The Dean,  
Tirunelveli Medical College.  
Tirunelveli District.
- 8.The Dean,  
Madras Medical College,  
Chennai.
- 9.The Dean,  
Stanley Medical College,  
Chennai.



10.The Dean,  
Government Mohan,  
Kumaramangalam Medical College,  
Salem District.

11.The Dean,  
Kilpauk Medical College,  
Chennai.

12.The Dean,  
Kanyakumari Government Medical College,  
Kanyakumari District.

13.The Dean,  
Coimbatore Medical College,  
Coimbatore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to release/return the original certificates retained by the respondents during admission to Post Graduate course and the original Masters Degree certificates along with the Provisional certificates to the petitioners in light of the order made in respect of similarly placed persons in W.P.No.28526 of 2021 dated 19.01.2022 as modified in W.A.No.1182 of 2022 dated 27.04.2022 on the file of Principal Seat of this Court within the period stipulated by this Court.

For Petitioners : Mr.Ajmal Khan, Senior Counsel  
for M/s.Ajmal Associates

For Respondents : Mr.A.Kannan  
Additional Government Pleader

### **O R D E R**

The petitioners have filed this writ petition seeking for a direction to the respondents to release / return the original certificates retained by them during admission of the petitioners to Post Graduate course and the original Master Degree certificates along with the provisional certificates to the petitioners, in the light of the order dated 19.01.2022 in W.P.No.28526 of 2021 as modified by Judgment dated 27.04.2022 in W.A.No.1182 of 2022, within a time stipulated by this Court.

2. The petitioners earlier executed bonds to the effect that after completion of Post Graduate course, they would serve under the Government for a period of two years. Though the petitioners have completed Post Graduate course, the respondents have not provided them any placement on account of there being no vacancy. Since the respondents are unable to provide any placement,



the petitioners have now sought for return of original certificates, which were submitted by them earlier to the respective Deans of the Government Medical Colleges.

3. In a similar matter involving classmates of the petitioners herein, a learned Single Judge of this Court, on 13.05.2022 in W.P.No.12541 of 2022, by following the Judgment of the Honourable Division Bench, dated 27.04.2022 in W.A.No.1182 of 2022, has passed the following orders:

*"a) It is well settled that an Educational certificate is not a marketable commodity, therefore, there cannot be exercise of any lien in terms of Section 171 of the Indian Contract Act, 1872. It has been held in catena of cases that management cannot retain the certificates of the students.*

*b) The appellants in W.A.No.1182 of 2022 were identical placed. They were classmates of the writ petitioners herein. Therefore, a different yard stick cannot be adopted in the present case. That shall be a gross violation. A Statutory Authority will have to treat similarly placed persons in the same manner. Failure to do so would be an infraction of Article 14 of the Constitution of India."*

4. Since the petitioners herein are also similarly placed persons and in view of the fact that the respondents are unable to provide any placement to the petitioners on account of there being no vacancy, the relief granted to the petitioners in W.P.No.12541 of 2022 has to be granted to the petitioners herein also.

5. Accordingly, the writ petition is allowed. The respective Deans of Government Medical Colleges are directed to return the original certificates to the petitioners herein within a period of fifteen days from date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Principal Secretary to Government,  
Health and Family Welfare Department,  
State of Tamil Nadu,

Chennai.

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



- 2.The Director of Medical Education,  
The Directorate of Medical Education,  
Kilpauk, Chennai-10.
- 3.The Deputy Director of Medical Education,  
The Directorate of Medical Education,  
Kilpauk, Chennai-10.
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Kanyakumari Government Medical College,  
Kanyakumari District.
- 13.The Dean,  
Coimbatore Medical College,



+10 CC to M/s.AJMAL ASSOCIATES, Advocate ( SR-23994[F] dated 23/05/2022 )

+1 CC to M/s.SPL.GP ( SR-24039[F] dated 23/05/2022 )

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**and**  
**W.M.P. (MD) No.7040 of 2022**  
**19.05.2022**

RD(10/06/2022) 6P 25C