



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10966 of 2022

and

W.M.P(MD)No.7896 of 2022

Dr.S.Rukshana Zareen

... Petitioner

Vs

- 1.The State represented by
The 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,
Represented by its Secretary,
Pocket 14 Sector-8 Dwarka Phase I,
New Delhi - 110 077.
- 5.The Dean,
Madurai Medical College,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to release/return the original certificates retained by the respondents during admission to Post Graduate course and the original Masters Degree certificate along with the Provisional certificate to the petitioner 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 that may be stipulated by this Court.



For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The petitioner after completing her MBBS Degree joined PG course through State Government quota for the academic year 2018-19. The petitioner had undertaken to serve the Government for a period of not less than two years after completion of her PG course. The petitioner has since completed her PG course. The petitioner was also on Covid Duty. Now, the petitioner wants the respondents to return her original certificate. The respondents are taking a stand that since the petitioner had not served the Government for the bond period, it is not possible for them to return the petition mentioned certificates. That led to the filing of this writ petition.

3. The learned counsel appearing for the petitioner raised two fold contentions:

a) The Certificates of the petitioner are not marketable commodities. Therefore, there cannot be a lien on them under Section 171 of the Indian Contracts Act, 1872.

b) Identically placed persons filed writ petitions before this Court as well as the Principal Seat and their certificates were ordered to be returned. The respondents have also complied with the said direction.

4. I find considerable force in both the contentions urged by the learned counsel appearing for the petitioner. The learned Government Advocate also produced a communication signed by the Dean, Madurai Medical College stating that the original certificates of certain individuals were returned following directions from the High Court. The petitioner cannot be treated otherwise. She is entitled to parity of treatment.

5. The writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/07/2022

Sub Assistant Registrar (CS)



To

- 1.The 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,
Represented by its Secretary,
Pocket 14 Sector-8 Dwarka Phase I,
New Delhi - 110 077.
- 5.The Dean,
Madurai Medical College,
Madurai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-26381[F]
dated 17/06/2022)

+1 CC to M/s.SPL.GP (SR-26748[F] dated 20/06/2022)

W.P. (MD) No.10966 of 2022
17.06.2022

MA (CO)
GC (05.07.2022) 3P 8C