



W.P.(MD)No.13139 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13139 of 2022

R.Priyadarshini

... Petitioner

Vs

1.The Director of Medical Education,
Office of Medical Education Director,
Kilpack, Chennai – 600 010.

2.The Dean,
Tirunelveli Medical College,
Tirunelveli.

3.The Dean,
Thoothukudi Medical College,
Thoothukudi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the second respondent to return the petitioner's original certificates, such as, Transfer Certificate, Community Certificate, Mark Statements and other certificates based on the petitioner's representation, dated 31.03.2022.

For Petitioner : Mr.R.Mariappan

For Respondents : Mr.V.Om Prakash
Government Advocate



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ORDER

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Heard the learned counsel on either side.

2. The writ petitioner joined M.D., (Pathology) Course in the second respondent College. The petitioner after completing the Course, was appointed as Assistant Professor in the Department of Pathology in the third respondent College. As per the bond conditions, she must work for two years in the third respondent College. But on account of certain reasons, the petitioner could not serve for the entire period. Now, the petitioner wants the petition mentioned original Certificates back. Citing the failure to adhere to the bond conditions, the respondents have declined to return the petition mentioned Certificates. That led to the filing of the present writ petition.

3. The learned counsel for the petitioner draws my attention to quite a few orders passed by this Court. The learned counsel for the respondents however makes a distinction. According to him, in the cases referred to by the learned counsel for the writ petitioner, the Government failed to give posting orders to the petitioners therein. But in the present petition, the posting order was given to the petitioner. He did not serve for the bond period. Though the learned Government Advocate is right in his submission that the case on hand is



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distinguishable, the fact remains that for whatever reason, the petition mentioned Certificates cannot be retained by the respondents. Educational Certificates are not marketable commodities. No lien can be exercised on them.

4. In view of this reason, the writ petition is allowed. The respondents are directed to return the petition mentioned Certificates to the writ petitioner forthwith and without any delay. I make it clear that it is open to the third respondent to initiate proceedings against the petitioner for recovery of damages for the petitioner's failure to adhere to the bond condition. With this liberty to the third respondent, this Writ Petition is allowed. No costs.

28.06.2022

Index : Yes / No
Internet : Yes/ No
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To

1.The Director of Medical Education,
Office of Medical Education Director,
Kilpack, Chennai – 600 010.

2.The Dean,
Tirunelveli Medical College,
Tirunelveli.



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G.R.SWAMINATHAN, J.

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3.The Dean,
Thoothukudi Medical College,
Thoothukudi.

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