



W.P(MD)No.16576 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16576 of 2022

and

W.M.P.(MD)No.11987 of 2022

1.K.Swathika

2.K.Guigwangngam

... 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,
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.KAP Viswanatham Government Medical College,
Represented by its Dean,
Periyamilaguparai,
Collectors Office Road,
Trichy – 620 001.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct Respondent No.5 to release / return the original certificates retained by the Respondent No.5 during admission to Post Graduate Course and the Original 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 that may be stipulated by this Court.

For Petitioners : Mr.T.Lajapathi Roy

For Respondents : Mr.V.Om.Prakash,
Govt. Advocate for R1 to R3 & R5.
Mrs.Shubharanjani Ananth,
Standing Counsel for R4

ORDER

The writ petitioners herein underwent post graduate degree course in fifth respondent medical college. At the time of admission, they had undertaken to serve the Government of Tamilnadu for a period of two years. In default, they had agreed to pay a sum of Rs.50,00,000/- as damages. The petitioners have since successfully completed their post graduate course. But according to the respondents, they are not willing to adhere to the bond condition. Therefore, the respondents have also not returned the petition mentioned certificates to the petitioners. That led to filing of the present writ petition.



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2.It is well settled that educational certificates of the students are not marketable commodities and there can be no lien on them under Section 171 of the Indian Contract Act. The fifth respondent is directed to return the petition mentioned certificates in original to the writ petitioners forthwith and without any delay.

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

28.07.2022

Index : Yes / No

Internet : Yes/ No

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Issue order copy on 01.08.2022

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,
Chennai – 10.
- 3.The Deputy Director of Medical Education,
The Directorate of Medical Education,
Kilpauk, Chennai – 10.



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4.The National Medical Council,
Rep. by its Secretary,
Pocket 14 Sector – 8 Dwarka Phase I,
New Delhi – 110 077.

5.The Dean,
KAP Viswanatham Government Medical College,
Periyamilaguparai,
Collectors Office Road,
Trichy – 620 001.

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