



W.P(MD)No.17338 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17338 of 2022

S.Kumaresh

... Petitioner

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 Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.V.Om.Prakash,
Govt. Advocate.

ORDER

The writ petitioner herein underwent post graduate degree course in fifth respondent medical college. At the time of admission, he had undertaken to serve the Government of Tamilnadu for a period of two years. In default, he had agreed to pay a sum of Rs.40,00,000/- as damages. The petitioner has since successfully completed his post graduate course. However, he is not in a position to adhere to the bond condition. Therefore, the respondents have also not returned the petition mentioned certificates to the petitioner. 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. In a number of similar cases, direction for return of the certificates had been granted and the Government had also complied with the same. In these circumstances, the fifth respondent is directed to return the petition mentioned certificates along with provisional certificate in original to the writ petitioner forthwith and without any delay.

3.The writ petition is allowed accordingly. No costs.

04.08.2022

Index : Yes / No
Internet : Yes/ No
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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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