



W.P(MD)No.17542 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17542 of 2022

Nisar Ahamed

... Petitioner

Vs.

1.The Principal Secretary,
Health and Family Welfare Department,
St.George Fort,
Chennai.

2.The Dean,
Thanjavur Medical College,
Thanjavur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct 2nd respondent to return the petitioner's original certificates collected at the time of admission in MS Ophthalmology course within a time as stipulated by this Court.

For Petitioner : Mr.N.Anandakumar

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



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ORDER

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The writ petitioner herein underwent post graduate degree course in second 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.

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 second respondent is directed to return the petition mentioned certificates in original to the writ petitioner forthwith and without any delay.



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

04.08.2022

Index : Yes / No

Internet : Yes/ No

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To:

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G.R.SWAMINATHAN, J.

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