



W.P.(MD)No.17418 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17418 of 2021

Dr.Stefy Joseph

... Petitioner

Vs

- 1.The Principal Secretary,
Department of Health and Family Welfare,
Secretariat,
Fort St.George,
Chennai – 600 009.
- 2.The Director of Medical Education,
Directorate of Medical Education,
Kilpauk,
Chennai.
- 3.The Registrar,
The Tamil Nadu Dr.M.G.R.Medical University,
Guindy,
Chennai – 25.
- 4.The Dean,
Tirunelveli Medical College,
High Ground,
Tirunelveli – 11.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to return back the original certificates namely (1) 10th Certificate, (2) MBBS Mark Sheets (4Nos), (3) MBBS Degree Certificate, (4) MBBS Registration Certificate, (5) MBBS-CRRI Completion Certificate, (6) PG Mark Sheets and (7) PG Degree Certificate of the petitioner based on the petitioner's representation dated 27.01.2021.

For Petitioner : Mr.S.Anwar Sameem
for T.Antony Arulraj

For Respondents : Mr.V.Om Prakash
Government Advocate for R.1, R.2 & R4

Mr.S.Ramesh for R.3

ORDER

Heard the learned counsel on either side.

2. The writ petitioner underwent a PG Course - MD in General Medicine in Tirunelveli Medical College. At the time of admission, the petitioner had undertaken to serve the Government of Tamil Nadu after completion of the Course for a period of two years. In default, he agreed to pay a sum of Rs. 50,00,000/- (Rupees Fifty Lakhs only) as damages. The petitioner has since successfully completed the Course. The stand of the authorities is that the petitioner did not fulfil the terms of the bond.



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3. The case of the petitioner is that he was not assigned with any duty.

I do not want to go into this controversy. This writ petition has been filed seeking return of the petition mentioned certificates. It is well settled that Educational Certificates are not marketable commodities and that the respondents cannot have any lien on them in terms of Section 171 of the Indian Contracts Act, 1872. In this view of the matter, the respondents 2 and 4 are directed to return the petition mentioned certificates to the writ petitioner forthwith and without any delay.

4. This writ petition is allowed. No costs.

27.07.2022

Index : Yes / No

Internet : Yes/ No

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To

1.The Principal Secretary,
Department of Health and Family Welfare,
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Chennai – 600 009.

2.The Director of Medical Education,
Directorate of Medical Education,
Kilpauk,
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3.The Registrar,
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