



W.P(MD)No.18930 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18930 of 2022

S.Saravana Balaji

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai – 600 009.

2.The Director of Medical Education,
DME Office,
156, Poonamallee High Road,
Chetpet,
Chennai – 600 031.

3.The Dean,
Theni Medical College,
Theni.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to release / return the original certificates of the petitioner which is retained by the 3rd respondent during the post graduation course of MD General medicine and original degree certificate along the provisional certificate to the petitioner based on the representation of the petitioner dated 10.08.2022.



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For Petitioner : Mr.S.Ramsundarvijayaraj

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

ORDER

Heard the learned counsel on either side.

2.The petitioner underwent P.G. Degree course in the third respondent college. The petitioner admittedly had executed a bond while getting admitted in the third respondent college. After successfully completing the P.G Course, the petitioner is not adhering to the bond conditions. The petitioner however wants his certificate back. The third respondent has declined to return the same. Hence, this writ petition has been filed.

3.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. It is open to the third respondent to enforce the bond conditions in the manner known to law. However educational certificates cannot be withheld. Therefore, the third respondent is directed to return the petition mentioned certificates along with provisional certificate to the writ petitioner forthwith and without any delay.



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4.The writ petition is allowed on these terms. No costs.

22.08.2022

Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Principal Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai – 600 009.
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DME Office,
156, Poonamallee High Road,
Chetpet,
Chennai – 600 031.
- 3.The Dean,
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G.R.SWAMINATHAN, J.

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