

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19667 of 2022

Dr.J.Ishwarya

... Petitioner

Vs

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

2.The Director of Medical Education,
Directorate of Medical Education,
Chennai – 10.

3.National Medical Commission,
Represented by its Secretary,
Pocket 14, Sector-8 Dwarka Phase I,
New Delhi – 110 077.

4.Thanjavur Medical College,
Represented by its Dean,
Thanjavur Medical College Road,
Thanjavur – 613 004.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent to return the Higher Secondary Mark Statement, Under Graduate Degree Certificate, Under Graduate Degree Mark Sheets, Course Completion Certificate, CRRI Certificate, TNMC Registration Certificate, Community Certificate, P.G. Degree Mark Sheets and P.G. Degree Certificate within the time frame fixed by this Court.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.V.Om Prakash
Government Advocate for R.1, R.2 & R.4

Mrs.Subharanjani Anand for R.3

ORDER

Heard the learned counsel on either side.

2. The writ petitioner underwent a PG Course - MD (Anesthesiologist) in Thanjavur 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. 40,00,000/- (Rupees Forty 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.

3. The case of the petitioner is that she 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.

26.08.2022

Index : Yes / No
Internet : Yes/ No
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To
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2.The Director of Medical Education,
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3.The Secretary,
National Medical Commission,
Pocket 14, Sector-8 Dwarka Phase I,
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4.The Dean,
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