



W.P(MD)No.21641 of 2022

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DATED : 08.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21641 of 2022
and
W.M.P.(MD)No.15776 of 2022

- 1.V.Lakshmi Priya
- 2.S.Arun Jenagavel
- 3.P.Parkavi
- 4.B.Gautham
- 5.N.Deepalakshmi
- 6.P.Kanagaraj
- 7.S.Thangamani
- 8.N.K.Santhosh Kumar
- 9.G.Venkatta Krishnan
- 10.P.Shafeeque
- 11.J.Mary Catherine Jemie
- 12.S.Tamilmathy
- 13.M.Saranya
- 14.M.Asarnisa Begum



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15.R.Ragubharathi

16.T.Lakshmi Priya

17.S.Mani Priya

... Petitioners

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,
Kilpauk, Chennai - 10.
- 3.The Director of Medical Education,
The Directorate of Medical and Rural Health Services,
Chennai- 10.
- 4.The National Medical Council,
Represented by its Secretary,
Pocket 14 Sector 8, Dwarka Phase I,
New Delhi - 110 077.
- 5.The Dean,
Government Thanjavur Medical College,
Thanjavur, Thanjavur District.
- 6.The Dean,
Madurai Medical College,
Madurai.
- 7.The Dean,
Tirunelveli Medical College,
Tirunelveli District.
- 8.The Dean,
Madras Medical College
Chennai.



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9.The Dean,
Coimbatore Medical College
Coimbatore..

10.The Dean,
Government Mohan Kumaramangalam
Medical College,
Salem District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to release/return the original certificates retained by the respondents during admission to post Graduate Course to the petitioners forthwith in light of the order made in respect of similarly placed persons in WP(MD) No. 9821 of 2022 dated 19.05.2022 on the file of this Court and WP No.12541 of 2022 dated 13.05.2022 on the file of the Principal Seat of this High Court, within the period that may be stipulated by this Court.

For Petitioners : Mr.D.Venkatraman

For Respondents : Mr.S.Shaji Bino,
Spl. Government Pleader for R1 to R3 & R5 to R10.
Mrs.R.Shubharanjani Ananth for R4.

ORDER

Heard the learned counsel on either side.



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2.The writ petitioners after completing their M.B.B.S. course joined post graduate course in the respective respondent colleges. At the time of securing admission in the post graduate course, the petitioners had executed bonds undertaking to serve the Government of Tamilnadu for a period of two years. The petitioners have since successfully completed their courses. The petitioners claim that they had done Covid duty and that therefore, they should be relived from fulfilling the bond conditions. I decline to go into the said issue.

3.When a similar issue arose before the Principal Seat in W.A.Nos.2256 to 2257 & 2259 of 2022, it was held as follows:-

“2.The appellants / writ petitioners had undergone Post Graduate Diploma and Post Graduate Degree courses in the third respondent colleges. While securing admission, they had executed bonds undertaking to serve the Government of Tamil Nadu for a period of two years. The bond period has since expired. Now, the appellants / petitioners are in need of original certificates so as to pursue higher education. The authorities are taking the stand that since the bond conditions have not been fulfilled, they would not return the certificates. It has been held in more than one case that Educational Certificates are not marketable commodities and therefore, they cannot be withheld.



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[R.D.Saxena -Vs- Balram Prasad Sharma 2000 (7) SCC 246]
and *[S.Muthukamakshi (Vs) Anna University (2013) 1 CTC 595]*.

3.In this view of the matter, the respective colleges are directed to return the petition mentioned original certificates to the appellants / writ petitioners forthwith and without any delay. The respondents are at liberty to proceed against the appellants / writ petitioners for violation of bond conditions. If according to the authorities, the writ petitioners have to pay damages, it is open to them to file a Civil Suit or take recourse to any other remedy for recovering the same but on that ground, the certificates cannot be retained. There can never be a general lien on educational certificates in terms of Section 171 of the Contract Act.

4.The orders impugned in these writ appeals are set aside and the Writ Appeals are allowed with the aforesaid liberty to the respondents.....”

4.The only relief that can be given in this writ petition is to direct the respective respondents to return the original certificates to the respective writ petitioners. This shall be done forthwith and without any delay. The writ petition is allowed. I however make it clear that it is open to the authorities to initiate action against the writ petitioners herein for enforcement of the bond conditions.



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5. With this liberty to the respondents, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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Directorate of Medical Education,
Kilpauk, Chennai - 10.
3. The Director of Medical Education,
The Directorate of Medical and Rural Health Services,
Chennai- 10.
4. The Dean,
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Thanjavur, Thanjavur District.
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Madurai.
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Tirunelveli Medical College,



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Tirunelveli District.

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