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W.P.(MD)No.22865 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.22865 of 2022

Monisha

... Petitioner

Vs.

1.The State of Tamilnadu,
represented by its Principal Secretary,
Health and Family Department,
Secretariat, Chennai- 600 009.

2.The Directorate of Medical Education,
represented by the Deputy Director of
Medical Education,
Kilpauk, Chennai - 600 010.

3.The Dean,
KAP Viswanathan Government Medical College,
Periyamilaguparai,
Collector's Office Road,
Trichy, Tamilnadu-620 001.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to return the original certificates of the petitioner collected by the third respondents at the time of admission in the Post Graduation Courses.

For Petitioner : Mr.R.Maheswaran

For R1 to R3 : Mr.T.Amjadkhan
Government Advocate

* * *



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ORDER

Heard the learned counsel on either side.

2.The petitioner underwent PG degree Course in the third respondent college. The petitioner had executed bond while getting admission. The case of the petitioner is that the Government has not issued any posting order. The petitioner states that she cannot wait indefinitely. She wants her certificates back.

3.The learned Government Advocate appearing for the respondents placed reliance of the order dated 27.04.2022 made in W.A.No.1182 of 2022, the Hon'ble First Bench of this Court disposed of the Writ Appeal in the following terms:

"During the pendency of this writ appeal, the second respondent herein passed an order dated 21.04.2022, instructing the respective Deans of the Government Medical Colleges to return the original certificates to the appellants. In other words, the State Government complied with the direction and accordingly, nothing survives for consideration in this appeal.

4.In view of the above, the writ appeal is disposed of with a direction to the respective Deans of the Government



Medical Colleges to return the original certificates to the appellants at the earliest, in any case, not later than 15 days from the date of production of a certified copy of this judgment. In order to get the documents, the appellants would immediately, approach the Authorities concerned/ College concerned along with a copy of this judgment and seek return of the original documents."

4.I have also consistently held that educational certificates are not marketable commodities and no lien can be exercised thereon. In this view of the matter, the third respondent is directed to return the petition mentioned certificates to the petitioner forthwith and without any delay.

5.Accordingly, this Writ Petition is allowed. No costs.

10.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Note : Issue order copy on **12.01.2023**

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- 1.The Principal Secretary, State of Tamilnadu,
Health and Family Department,
Secretariat, Chennai- 600 009.
- 2.The Directorate of Medical Education,
represented by the Deputy Director of
Medical Education,
Kilpauk, Chennai - 600 010.
- 3.The Dean,
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G.R.SWAMINATHAN, J.

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