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W.P.No.20459 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.20459 of 2022

P.Karthikeyan

... Petitioner

Vs.

- 1.The Dean,
Chettinad Hospital and Research Institute,
Kelambakkam,
Chennai
- 2.The Registrar,
Chettinad Hospital and Research Institute,
Kelambakkam,
Chennai
- 3.The Director,
MGR Medical University,
Guindy, Chennai

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to issue the petitioner's MBBS degree certificate, along with Transfer Certificate and Provisional Certificate in his favour, as he has successfully completed degree in the month of February 2019 and his Registration No.52076349 within the time frame to be fixed by this Court.

For Petitioner : Mr.S.L.Venkatesan

For Respondents



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For R1 & 2: Mr.D.Pandarinath

For R3 : Mr.Mohammed Gouse,
Standing Counsel

ORDER

This writ petition has been filed for direction to the first respondent to issue the petitioner's MBBS degree certificate, transfer certificate and provisional certificate.

2. The petitioner had completed his MBBS course on 1st of April 2020 in the first respondent college. The petitioner had joined in the course of MBBS in the year 2007 and the first respondent is affiliated to the third respondent through Government counselling. However, during the year 2008, the first respondent college conferred as Deemed University. The petitioner had joined the first respondent college and had paid fess for 4 ½ years to the tune of Rs.14,00,000/-. After completion of his course, the petitioner was denied to provide his degree certificate, transfer certificate and course completion certificate on the ground that the petitioner failed to pay the break fees. Therefore, the petitioner submitted representation seeking issuance of degree certificate, transfer



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certificate and the provisional certificate.

3. On perusal of the counter filed by the first respondent revealed that though the petitioner had joined in the course of MBBS degree in the year 2007-2008 batch, he had completed his final year only in the month of April 2020. He had completed CRRI training at Chettinad Hospital and Research Institute from 2019-2020 and about to leave the course after prolonged stay till 2020. The petitioner's batch of students had completed their final year in the year 2012 itself, but the petitioner had completed his MBBS course in the year 2020. The petitioner had cleared his first year exam arrear papers in the month of August 2010. The petitioner had completed his second year in the month of February 2015 and the third year in the month of February 2016 and final year has been completed by the petitioner in the month of February 2019 and he completed his internship in the month of April 2020. The petitioner had paid tuition fee at the rate prevailing in the year 2007 i.e. Rs.3,00,000/- per annum till 2011. The petitioner ought to have paid the break fees from the first to final year breaks to the tune of Rs.16,50,000/-. It was



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clearly explained to the petitioner while asking for certificates. Because of the petitioner's retention in the course for long period, the first respondent is bound to pay affiliation fees of Rs.9,00,000/- and administrative fees of Rs.6,00,000/- per annum to the third respondent University. Therefore, the request made by the petitioner is still pending with the first respondent.

4. Though the petitioner had completed his course in the year 2020, he was allowed to continue his internship with the first respondent. It is relevant to rely upon the judgment of this Court in the case of ***Muthukamatchi Vs. Director of Technical Education, Anna University and others*** reported in ***2013 1 CTC 595***, wherein this Court held that the certificates of the daughter of the petitioner therein represent her property. They cannot be retained by the college at any rate. Even if the college has any monetary claim, the rejection of the said certificate is not the method by which, the claim can be enforced. There is no lean on the certificates of the petitioner's daughter.



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5. The above judgment is squarely applicable to the case on hand. Therefore, the first respondent has no right to hold the certificates of the petitioner. The certificates of the petitioner were not pledged with the first respondent to hold charge over the certificates. Therefore, the first respondent cannot hold the certificates of the petitioner for recovery of break fees. After completion of medical course by the petitioner in the year 2020, he is struggling lot without the original degree certificate of his MBBS course.

6. Therefore, the first respondent is directed to return the original certificates of the petitioner which were produced at the time of his admission to the MBBS course, MBBS degree certificate and transfer certificate forthwith. However, it is open to the first respondent to initiate appropriate proceedings to recover the break fees, if any, as against the petitioner and the period of pendency of this writ petition may be excluded while calculating the limitation.

7. With the above direction, this writ petition stands allowed.



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There shall be no order as to costs.

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Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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