



W.P(MD)No.7007 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 15.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7007 of 2024

J.M.Rebekkal

... Petitioner

Vs.

- 1.The Principal,
Savitha College of Nursing,
Savitha Nagar,
Thandalam,
Chennai – 602 105.
- 2.The Registrar,
Savitha Institute of
Medical and Technical Science,
Savitha Nagar,
Thandalam,
Chennai – 602 105.
- 3.Savitha University,
Savitha Institute of
Medical and Technical Science,
Savitha Nagar,
Thandalam,
Chennai – 602 105.
- 4.Tamil Nadu Nurses and
Midwives Counsel,
Old No.140, Registrar,
Jayaprakash Narayamam Maligai,



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New No.56, Santhome High Road,
Pattinapakkam,
Kuyil Thoppu,
Mylapore,
Chennai – 600 004.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to return the original educational certificates of the petitioner (1) S.S.L.C. Certificate issued by Board of Secondary Education Tamil Nadu, (2) Higher Secondary Course Certificate issued by the authority of the Government of Tamil Nadu, (3) B.Sc. Nursing Mark Statement of first year to fourth year issued by the Tamil Nadu Dr. M.G.R. Medical University, Chennai, (4) Nursing Registration Certificates issued by the Tamil Nadu Nurses and Midwives Council, (5) Midwives Certificates of Registration Certificates issued by the Tamil Nadu Nurses and Midwives Council, (6) Course Completion Certificate issued by Saveetha College of Nursing in Saveetha University, (7) Transfer Certificate issued by Saveetha University College of Nursing, (8) Convocation Certificate issued by the Tamil Nadu Dr.M.G.R.Medical University, (9) Master of Science of Nursing issued by Saveetha Institute of Medical and Technical Sciences, (10) Certificate of Registration for Additional Qualification issued by the Tamil Nadu Nurses and Midwives Council, (11) Provisional Pass Certificate, issued by Saveetha University application dated 23.12.2021.

For Petitioner : Mr.M.Francis Xavier

For Respondents : Mr.A.K.Baskara Pandian
for R.1 to R.3



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Mr.K.Balasubramani
Special Government Pleader for R.4

ORDER

Heard both sides.

2.The writ petitioner joined the first respondent College as Clinical Inspector on 13.03.2012. She subsequently joined M.Sc Nursing Course conducted by the College. The petitioner appears to have availed fee concession from the management. The management granted such concession since the petitioner had undertaken to serve the institution for 5 years. The petitioner after graduating served the institution only for one year and one month. This writ petition has been filed for return of the petitioner's original certificates.

3.The learned counsel appearing for the Management would call upon this Court to dismiss the writ petition since the petitioner did not abide by the undertaking given by her. His argument is that a person approaching the writ Court must come with clean hands. Since the petitioner has breached her own undertaking, the writ Court should deny the discretionary remedy. The learned counsel appearing for the College Management is morally right. This Court has been consistently holding



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that lien cannot be exercised in respect of educational certificates as they are not marketable commodities. This is a well settled position. It is for this reason, I direct the first respondent to return the petition mentioned original educational certificate to the petitioner within a period of six weeks from the date of receipt of a copy of this order. The petitioner has to appear before the first respondent in person along with copy of this order. The first respondent shall return the petition mentioned certificates after getting due acknowledgment from the petitioner.

4.This writ petition is allowed accordingly. There shall be no order as to costs.

15.04.2024

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

To
The Tamil Nadu Nurses and
Midwives Counsel,
Old No.140, Registrar,
Jayaprakash Narayamam Maligai,
New No.56, Santhome High Road,
Pattinapakkam, Kuyil Thoppu,
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G.R.SWAMINATHAN,J.

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