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W.P.No.13583 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.08.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.13583 of 2024
and
W.M.P.No.14738 of 2024

E.Mahadevi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Health, Medical Education and Family Welfare,
Secretariat, Fort St. George,
Chennai – 600009.
2. The Director of Medical Education,
Department of Medical Education,
Kilpauk, Chennai – 600 010.
3. The Dean,
Tamil Nadu Government Dental
College and Hospital,
Chennai – 600 003.
4. The Secretary,
Selection Committee,
Directorate of Medication Education,
Kilpauk,
Chennai – 600 010.
(R4 suo-motu impleaded)

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 16.02.2024 made in Na.Ka.No.0169/Pa Ma/2024 passed by the third respondent and quash the same, consequently direct the respondents to return the original certificates of the petitioner collected by the third respondent at the time of her BDS admission forthwith.

For Petitioners : Mr.M.R.Jothimanian

For Respondents : Mr.K.Tippu Sultan,
Government Advocate (for R1 to R3)
Mrs.M.Sneha,
Special Counsel (for R4)

ORDER

The instant Writ Petition has been filed challenging the order dated 16.02.2024 passed by the third respondent.

2. The learned counsel for the petitioner would submit that she became eligible to join the BDS course as per the National Eligibility Entrance Test (NEET) of the year 2023, and after being selected, she got a seat in the third respondent college. However, due to unfortunate circumstances, she was not able to pursue her medical education and was given in marriage. Therefore,



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she discontinued her BDS course. It is the further submission of the learned counsel for the petitioner that now she is trying to join Group-IV service, for which the original certificate is required, whereas the respondents are not returning the same, claiming a sum of Rs. 10,00,000/- as discontinuance fees.

3. Per contra, the said contention was stoutly objected to by the learned Special Counsel appearing for the fourth respondent, and would submit that as per the Prospectus under Clause 23, candidates who discontinue the course after the permitted resignation date in Round-I or at any time thereafter should pay a discontinuation fee of Rs. 10,00,000/-. Whereas, in the case in hand, the petitioner did not pay such amount. Only after paying such discontinuance fee she is entitled to get the return of her original certificates. In this regard, the learned Special Counsel relied upon the judgment of the Hon'ble Supreme Court of India in ***Modern Dental College and Research Centre and others vs. State of Madhya Pradesh***, reported in **(2016) 7 SCC 353**, and would submit that the State has got exclusive power to legislate with respect to all aspects of education, barring determination of standards and coordination by Parliament. Therefore, the learned Special Counsel would submit that the Government has formulated a



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policy that unless the candidates give a discontinuance fee, they are not eligible to get back their original certificates. Accordingly, the petitioner is not entitled to get her original certificate. Hence, prayed to dismiss the present writ petition.

4. I have given my anxious consideration to either side submissions.

5. The bone of contention of the learned Special Counsel is based upon Clause 23 of the Prospectus. For ready reference, this Court deems it appropriate to extract Clause 23 of the Prospectus, which reads as follows:-

“23. Discontinuation Fee:

The candidates who discontinue the course after the permitted resignation date in Round-I or any time in later should pay the Discontinuation Fee of Rs.10,00,000/- by means of Demand Draft drawn in favour of “The Secretary, Selection Committee, Kilpauk, Chennai-10” payable at Chennai.

If a candidate selects a seat in final stray round of counselling and does not join the course within the stipulated time, then the candidate has to pay the Discontinuation Fee by means of Demand Draft drawn in favour of “The Secretary, Selection Committee, Kilpauk,



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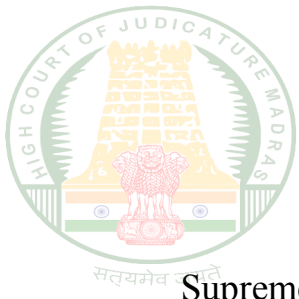
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Chennai-10” payable at Chennai and has to forfeit the Security Deposit & Tuition fee.

The admission to MBBS/BDS Degree courses for 2023-2024 will close on the cut-off date of admission as per the guidelines issued by the National Medical Commission/Dental Council of India.”

6. While harmoniously reading Clause 23 of the Prospectus, nowhere it is stated that the original certificates will be released subject to the payment of Rs. 10,00,000/-, viz., discontinuation fees. Apart from that, the judgments in ***R.D. Saxena vs. Balram Prasad Sharma***, reported in (2000) 7 ***SCC 246***, and ***S. Muthukamakshi vs. Anna University***, reported in (2013) 1 ***CTC 595***, have categorically stated that educational certificates are not marketable commodities to treat the same as lien for the fees due.

7. In the case in hand, admittedly, the petitioner did not continue her course on account of her family situation. The only ground urged by the respondents to reject the petitioner's claim is the discontinuance fees. As already extracted, Clause 23 of the Prospectus nowhere says anything about the retention of the original certificates. Further, as held by the Hon'ble



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Supreme Court of India, the respondents cannot retain the original certificates, which are not marketable commodities, so as to have a lien over the same for the payment of discontinuance fees of Rs. 10,00,000/-. Therefore, this Court finds that the impugned order is in contravention to the ratio laid down by the Hon'ble Supreme Court of India. Accordingly, impugned order is liable to be quashed.

8. In view of the above, the impugned order dated 16.02.2024 is hereby quashed. The respondents are directed to return all the original certificates of the petitioner within a period of four weeks from the date of receipt of a copy of this order.

9. In the result, this Writ Petition is allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

12.08.2025

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No



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C.KUMARAPPAN, J.

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