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W.P.No.21949 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.21949 of 2025

Usha.A.P.

... Petitioner

Vs.

1.The Deputy Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Secretary,
Selection Committee,
Directorate of Indian Medicine & Homeopathy,
Arignar Anna Government Hospital of
Indian Medicine Campus,
Arumbakkam,
Chennai – 600 106.

3.The Principal,
Excel Medical College for Naturopathy and Yoga,
Pallakapalayam,
Nammakal District – 637 303.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to return petitioner's original educational qualification certificates including X and XII Standard Mark sheets, Transfer Certificate and Community Certificate to the petitioner and considering the petitioner



W.P.No.21949 of 2025

representation on 23.05.2025 and 28.05.2025.

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For Petitioner : Mr.C.Vediappan
For Respondents : Mr.K.Tippu Sultan for R1 and R2
Government Advocate
Mr.Kandhan Duraisami for R3

ORDER

The present writ petition has been filed to direct the respondents to return the petitioner's original educational qualification certificates including X and XII Standard Mark sheets, Transfer Certificate and Community Certificate to the petitioner.

2.The learned counsel appearing for the petitioner would submit that the petitioner joined the Course of Bachelor of Naturopathy and Yogic Sciences [BNYS] in the third respondent institution for the academic year 2024 – 2025, however, she is not in a position to continue the Course. Hence she requested the third respondent to return the original certificates, but they did not consider the petitioner's request.

3.At this juncture, the learned Government Advocate would submit that according to the prospectus of the academic year 2024 – 2025, the discontinuation fees has to be paid by the petitioner so as to



W.P.No.21949 of 2025

get the original certificates and in this regard, they have already executed bond.

4.The learned counsel appearing for the third respondent would submit that since the petitioner has discontinued the Course in the first year, they are not in a position to admit the other student. By this way, the third respondent institution is losing tuition fees and other fees for the subsequent years. Therefore, unless the petitioner makes payment of the balance fees, she is not eligible to get the original certificates.

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

6.It is well settled law that educational institution cannot have lien over the educational certificates. In the case in hand, admittedly, the petitioner joined the third respondent institution and dis-continued immediately. In this regard, the learned Government Advocate invite the attention of this Court about the prospectus of Excel Medical College for Naturopathy and Yoga, Pallakapalayam, Namakkal District, wherein, Clause 23 of the prospectus for Government Quota seats for



W.P.No.21949 of 2025

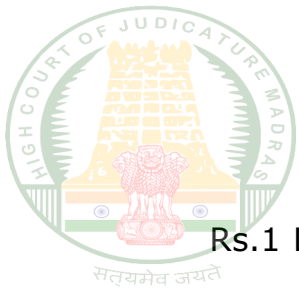
the academic year 2024 – 2025 deals with discontinuation fees and the same is extracted hereunder:

"Discontinuation Fees

Candidates selected for admission and his/her parent/guardian will have to execute an Agreement Bond as prescribed in Appendix-V. Failure to execute the Agreement Bond will lead to cancellation of selection. Candidates who discontinue the course on or after the last cut off date for admission process for the academic session 2024 – 2025 and on any date of the subsequent year are bound by the bond and thereby they shall have to pay a sum of Rs.1,00,000/- (Rupees one lakh only) as penalty for having breached the contract in the bond by means of Demand Draft drawn in favour of "the Director of Indian Medicine and Homoeopathy, Chennai – 106" Payable at Chennai"

According to the above Clause, it is incumbent upon the student to pay a penalty of Rs.1 Lakh as agreed in the bond executed to the Government.

7.At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is willing to pay a sum of



W.P.No.21949 of 2025

Rs.1 Lakh by way of Demand Draft drawn in favour of "The Director of Indian Medicine and Homoeopathy, Chennai – 106" payable at Chennai.

8.Apart from that, our High Court in various decisions has consistently held that educational institution cannot withhold the original certificates of the students, even if there is any due in respect of tuition fees and other fees.

9.In such view of the above, this Court finds some force in the submission of the learned counsel appearing for the petitioner. The writ petition is allowed directing the third respondent institution to return the petitioner's original educational qualification certificates including X and XII Standard Mark Sheets, Transfer Certificate and Community Certificate to the petitioner on payment of Rs.1 Lakh by the petitioner by way of Demand Draft drawn in favour of "The Director of Indian Medicine and Homoeopathy, Chennai – 106" payable at Chennai. If the Demand Draft is submitted before the Authority concerned, the third respondent institution is directed to issue the petitioner's original certificates, within a period of four weeks thereafter.



WEB COPY



W.P.No.21949 of 2025

C.KUMARAPPAN,J.
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10.The writ petition is allowed. No costs.

08.08.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The Deputy Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Secretary,
Selection Committee,
Directorate of Indian Medicine & Homeopathy,
Arignar Anna Government Hospital of
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W.P.No.21949 of 2025